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BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION

In the Matter of

Appeals of City Attorney's
Explanatory Statement
for Seattle Referendum No. 1

No. 11-2-0603-1

**OBJECTION TO EXPLANATORY
STATEMENT BY LET'S MOVE
FORWARD AND WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION**

I. INTRODUCTION

The Explanatory Statement for Seattle Referendum No. 1¹ inaccurately describes current law and misstates the effect of R-1's adoption. Most significantly, the Statement falsely informs voters that R-1 will determine whether future notices by the Seattle City Council to the State will be by ordinance, when in fact R-1 says nothing about that issue. Because the Statement, as written, does not provide a "clear and concise" description of the law as required by SMC 2.14.030, Let's Move Forward and Phil Lloyd ("Let's Move Forward") and the Washington State Department of Transportation ("WSDOT") hereby object to the Explanatory Statement in limited part, and identify proposed amendments.

¹ The Explanatory Statement issued by the City Attorney is referred to in this brief as the "Explanatory Statement" or "Statement". Referendum 1 is referred to as R-1.

1 **II. RELIEF REQUESTED**

2 Let's Move Forward and WSDOT jointly request that the Commission adopt the
3 attached amendments fully set out in Appendix A.

4 **III. STATEMENT OF FACTS**

5 **A. Brief History of Relevant Ordinances and Agreements**

6
7 In January 2009, the Seattle City Council enacted Ordinance 123133 (“the 2009
8 Ordinance”), which established the deep-bore tunnel as the City’s “preferred alternative” for
9 replacement of the Alaskan Way Viaduct.² In addition to setting forth the City’s policy
10 choice, the 2009 Ordinance likewise established the framework for the tunnel project through
11 adoption of a Memorandum Agreement between the City and the State setting forth the
12 respective responsibilities of each. On February 28, 2011, the Seattle City Council enacted
13 Ordinance 123542 (“the 2011 Ordinance”), which authorized the City to enter into three
14 interlocal agreements with the State related to the tunnel project (“the Agreements”).³ The
15 Agreements pertain to utility relocation, rights of way, and preliminary design work relating
16 to the tunnel project.
17

18 Consistent with the State and National Environmental Policy Acts,⁴ Section 2.3 of
19 each of the Agreements provides that only certain preliminary design work can go forward
20

21 ² This process has been subject to on-going environmental review including a 2004 Draft EIS
22 that studied five alternatives (rebuild, aerial, tunnel, bypass tunnel and surface) and a 2006
23 Supplemental Draft EIS that studied a cut-and-cover tunnel alternative and an elevated
24 structure alternative. A second Supplemental Draft EIS that analyzed the bored tunnel
25 alternative and builds upon the previous review of other alternatives was issued in October
26 <http://www.wsdot.wa.gov/Projects/Viaduct/eis.htm>.

³ See Declaration of Kymberly K. Evanson (“Evanson Decl.”), Ex. 1 (2011 Ordinance).

⁴ Washington’s State Environmental Policy Act (“SEPA”), chapter 43.21C RCW, and the
National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321 *et seq.*

1 prior to the issuance of a Final Environmental Impact Statement (FEIS) and Record of
2 Decision (ROD). The FEIS analyzes the environmental impacts of a proposed action and
3 reasonable alternatives to the proposed action while the ROD selects an alternative in the
4 FEIS for purposes of federal funding. In Section 2.3 of each Agreement, the City and the
5 State agreed that the remaining work under the Agreements (beyond preliminary design) may
6 proceed after issuance of the ROD and after WSDOT and the City “provide notice to the other
7 that it wishes to proceed with the Agreement.”⁵ Section 2.3 also mandates that if the deep-
8 bore tunnel alternative is not selected at the conclusion of the environmental review process,
9 the Agreements terminate.
10

11 **B. The Underlying Lawsuit and the Referendum**

12 Protect Seattle Now, a political committee, solicited signatures in an attempt to invoke a
13 referendum on the entirety of the 2011 Ordinance (“R-1”). The Seattle City Attorney then
14 brought a declaratory judgment action to determine whether R-1 was beyond the scope of the
15 referendum power under the Seattle City Charter. Let’s Move Forward and WSDOT were also
16 parties to that action and joined the City in arguing that R-1 was invalid.
17

18 On May 20, 2011, the King County Superior Court ruled that nearly all of the 2011
19 Ordinance was not subject to referendum. Specifically, the Court ruled that the Agreements
20 were *administrative* actions implementing the City’s 2009 policy decision to select the deep bore
21 tunnel as the City’s preferred alternative, rather than *legislative* determinations subject to the
22 right of referendum under the City’s Charter. See Seattle City Charter, art. IV, sec. 1(H). As
23 such, the Court ruled that neither the City’s authority to enter into the Agreements, nor the
24

25
26 ⁵ See Evanson Decl., Ex. 2 (Section 2.3 from Memorandum Agreement GCA 6486). Section 2.3 is identical in each of the three Agreements.

1 Agreements themselves, are subject to referendum. *See* Court Order at 4.⁶ The Court declared
2 the Agreements effective as of March 30, 2011.

3 The Court did conclude that Section 6 of the 2011 Ordinance was subject to referendum.
4 Section 6 describes the process by which the City Council will give the notice contemplated by
5 Section 2.3 of the Agreements:

6 The City Council is authorized to decide whether to issue the notice referenced in
7 Section 2.3 of each Agreement. That decision shall be made at an open public
8 meeting held after issuance of the Final Environmental Impact Statement.

9 *Evanson Decl., Ex. 1* (2011 Ordinance). Because only this limited portion of R-1 was subject to
10 referendum, the Court ordered the City to place an edited version of R-1 on the ballot, containing
11 just Section 6 of the 2011 Ordinance. In response to the Court's ruling, the City Attorney
12 prepared the ballot title and explanatory statement for R-1. The explanatory statement was filed
13 on June 2, 2011.

14 **IV. STANDARD OF REVIEW**

15 SMC 2.14.030 requires the City Attorney to "prepare an explanatory statement on
16 each City measure, describing in clear and concise language, the law as it presently exists and
17 the effect of the measure if approved." Whether or not the City Attorney has met this
18 standard is a question of law. Questions of law are reviewed *de novo*. *See Coppernoll v.*
19 *Reed*, 155 Wn. 2d 290, 296, 119 P.3d 318, 321 (2005).
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26 ⁶ *Evanson Decl., Ex. 3* (Order dated May 20, 2011).

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V. ARGUMENT

Let's Move Forward and WSDOT object to the Explanatory Statement on the grounds that the Statement neither accurately describes the law as it presently exists nor accurately states the effect of R-1 if approved. The principal deficiencies in the Statement, along with proposed substitute language, are detailed below. The Commission should modify the Explanatory Statement and adopt the attached substitute language to comply with SMC 2.14.030.

A. The Explanatory Statement Misrepresents Current Law.

An explanatory statement for a City of Seattle referendum must clearly and concisely describe the law as it presently exists. SMC 2.14.030. The R-1 Statement, however, misrepresents the current law in several significant respects.

First, the Statement leads voters to believe that, but for Section 6, the City Council is required to pass another ordinance after its review of the FEIS and the ROD in order to proceed with the Agreements. Part 2, paragraph 2 of the Statement strongly suggests that absent Section 6, the City can *only* notify the State of its intent to proceed with the remaining work under the Agreements by enacting an ordinance. Part 4, paragraph 2 compounds this inaccuracy, stating that under "present law," the City Council "may be able to proceed with the agreements beyond preliminary design only by enacting another ordinance."

Contrary to this language, there is no present requirement that the City Council notify the State of its intent to proceed with the Agreements by passing another ordinance. While the Council has the power to enact legislation by ordinance, *see* Seattle City Charter, art. IV, sec. 7, the Council is also empowered to act by other means including, most prominently, the

1 passage of resolutions.⁷ The Council may also hold a public hearing on a resolution as well as
2 an ordinance. *See* General Rules and Procedures of the Seattle City Council, II(D). The
3 Council can likewise delegate authority to take certain actions to certain City departments.⁸
4 While in the future the means of notice may be subject to consideration or debate, it is not
5 before the voters in R-1 and should not be injected into the Voter's Pamphlet.

6
7 Moreover, the City Council is required to issue a notice to the State after issuance of
8 the FEIS only because the City agreed to do so. In other words, absent Section 2.3 of the
9 Agreements, nothing in the "present law" requires the City to issue a notice to proceed after
10 review of the FEIS. And absent Section 6, there is presently no city code provision that
11 describes how the decision to issue the notice shall be made, nor does the Statement refer to
12 any authority. Accordingly, the statement in Part 2, paragraph 2 that the City Council "must
13 provide notice to the State" and may do so "by enacting another ordinance" is inaccurate and
14 misleading on this additional basis.
15

16
17 ⁷ Indeed, resolutions are frequently used to issue notice. *See, e.g.*, Resolution 30852 ("A
18 RESOLUTION fixing the date for hearing the final assessment roll for Local Improvement
19 District No. 6750 to construct a modern streetcar line serving downtown Seattle, Denny
20 Triangle and South Lake Union, and directing that **notice** of the hearing be given in the
21 manner required by law."); 30862 ("A RESOLUTION amending Procedures for the
22 Evaluation of the Reuse and Disposal of the City's Real Property, adopted by Resolution
23 29799, to update the procedures and to provide additional guidance on **notice** to adjacent
24 property owners and other members of the public with respect to the disposal or reuse of City
25 real property.); 30732 ("A RESOLUTION providing for the sale and issuance of The City of
26 Seattle, Washington, Municipal Light and Power Improvement and Refunding Revenue
Bonds, 2004; specifying the amount, maturities, interest rates and other terms of the bonds;
providing for bond insurance; and ratifying, confirming and approving the **notice** of bond sale
and the actions of the Director of Finance relating to the sale of the bonds."); *See also* 5
McQuillin Mun. Corp. § 15:6 (3rd ed.) ("The legislature may authorize the performance of a
specific act by resolution."); *Baker v. Lake City Sewer Dist., et al.*, 30 Wn.2d 510, 518, 191
P.2d 844 (1948) (resolution expresses the mind of the official body concerning a particular
item of business or matter of administration).

⁸ *See e.g.*, Resolution 31053 (delegating authority to Seattle City Light for implementation of

1 For the reasons stated above, Let's Move Forward and WSDOT object to the
2 following portions of the Explanatory Statement because they fail to clearly and concisely
3 describe the law as it presently exists. Let's Move Forward and WSDOT offer the following
4 substitutions to remedy the description of current law (objections and proposed changes in
5 italics):
6

7 Part 2, paragraph 2 as written:

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

12 Part 2, paragraph 2 proposed substitutions:

13 In order for the agreements to be effective beyond the preliminary design
14 phase of the project, the City Council *has agreed to* provide notice to the State
15 of its decision to proceed with the agreements. After evaluating the FEIS and
16 issuance of the ROD, the City Council may consider whether or not to proceed
17 with these agreements. *Presently there is no city code provision that describes
18 how the decision to issue the notice shall be made.*

17 Part 4, paragraph 2 as written:

18 If a majority of voters casting ballots in this referendum vote to **reject** Section
19 6 of the Ordinance, then it will not become law, the law will remain as it is
20 now, and the City Council *may be able to proceed with the agreements beyond
21 preliminary design only by enacting another ordinance.*

21 Part 4, paragraph 2 proposed substitutions:

22 If a majority of voters casting ballots in this referendum vote to **reject** Section
23 6 of the Ordinance, then it will not become law, the law will remain as it is
24 now, *and there will be no explicit city code provision describing how the City
25 Council should provide notice to proceed with the agreements beyond the
26 preliminary design phase of the project.*

Wholesale Energy Risk Management Policy).

1 The proposed substitutions clarify that the present state of the law does not require the
2 City to issue its notice to the State by enacting an ordinance. The substituted language
3 likewise concisely informs voters that under present law, there is currently no established
4 process by which the City must notify the State of its intent to go forward with the remaining
5 work under the Agreements.
6

7 **B. The Explanatory Statement Misrepresents the Effect of R-1 if Approved.**

8 SMC 2.14.030 further mandates that the Explanatory Statement clearly and concisely
9 describe the “effect of the measure if approved.” The Statement also fails to meet this
10 standard.

11 Rather than state the actual effects of R-1 if approved, Part 3 of the Explanatory
12 Statement, entitled “The effect of Ordinance 123542, Section 6, if approved by the voters”,
13 contains confusing and unnecessary commentary regarding mayoral vetoes and council
14 overrides. Despite its title, this part of the Statement does not begin to explain the effect of R-
15 1 if approved by the voters, but instead politicizes the issue by raising the prospect of future
16 referenda and vetoes of hypothetical future ordinances.
17

18 Likewise, Part 4, paragraph 1 of the Explanatory Statement entitled “The effect of this
19 referendum vote”, also fails to accurately represent the effect of R-1 if approved. Though this
20 part of the Statement speculates about what the City Council “may” do as a result of the
21 referendum, it omits entirely what the City Council *will be required to do* if Section 6
22 becomes law. The effect of Section 6 is straight-forward. If Section 6 becomes law, then the
23 City Council will be authorized to issue the notice to proceed with the Agreements at an open
24 public meeting. The provision says no more and no less.
25
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1 Accordingly, in light of the above, Let's Move Forward and WSDOT object to the
2 following portions of the Explanatory Statement because they fail to clearly and concisely
3 describe the effect of R-1 if approved. Let's Move Forward and WSDOT offer the following
4 substitutions to remedy the description of the effect of R-1 (objections and proposed
5 substitutions in italics):

6
7 Part 3 as written:

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

15
16 Part 3 proposed substitutions:

17 Section 6 *authorizes* the City Council alone to issue the notice to proceed with
18 the agreements beyond *the preliminary design work.* Section 6 *provides that*
19 *the City Council's decision shall be made at an open public meeting held after*
20 *issuance of the FEIS.*

21
22 Part 4, paragraph 1 as written:

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

Part 4, paragraph 1 proposed substitutions:

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
would be authorized to issue notice at an open public meeting that it intends to
proceed with the agreements beyond the preliminary design phase of the
project.

The proposed language clarifies that Section 6 designates a process by which the City
Council will issue the notice it agreed to provide at the conclusion of the environmental

1 review process. If Section 6 is approved, the City will simply be required to follow that
2 process. Moreover, the proposed substitutions concisely state the specific effects of the
3 passage of R-1 without speculating about effects not discernable from the measure itself.

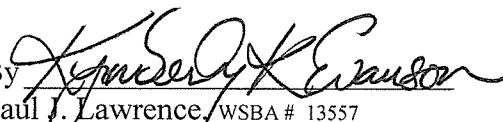
4 **VI. CONCLUSION**

5
6 The City Council is not required by any provision of substantive law or the
7 Agreements to issue the Section 2.3 notice by ordinance, with or without Section 6. Section
8 6 does not even contain the word "ordinance." As such, approval of Section 6 does not
9 relieve the City of an otherwise incumbent obligation to issue the notice in the form of an
10 ordinance. Section 6 merely establishes a process by which the City can notify the State at
11 an open public meeting of its intent to proceed with the Agreements.

12
13 The Explanatory Statement fails to clearly and concisely state the law as it presently
14 exists and unduly speculates on the effects of R-1 beyond what the measure provides.
15 Accordingly, Let's Move Forward and WSDOT respectfully request that the Commission
16 amend the Explanatory Statement for R-1 to incorporate the proposed substitutions submitted
17 with this objection.

1 DATED this 9th day of June, 2011.

2
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APPENDIX A

Let's Move Forward and WSDOT's Proposed Amendments to City Attorney's Draft Explanatory Statement for Seattle Referendum 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 notify the State 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 has agreed to provide notice to the State of its decision to proceed with the agreements. After evaluating the FEIS and issuance of the ROD, the City Council may consider whether or not to proceed with these agreements. Presently there is no city code provision that describes how the decision to issue the notice shall be made.

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

Section 6 authorizes the City Council alone to issue the notice to proceed with the agreements beyond the preliminary design work. Section 6 provides that the City Council's decision shall be made at an open public meeting held after issuance of the FEIS.

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 would be authorized to issue notice at an open public meeting that it intends to proceed with the agreements beyond the preliminary design phase of the project.

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 there will be no explicit city code provision describing how the City Council should provide notice to proceed with the agreements beyond the preliminary design phase of the project.

Let's Move Forward and WSDOT's Proposed Amendments to City Attorney's Draft Explanatory Statement for Seattle Referendum 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~~ notify the State 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 ~~has agreed to must~~ provide notice to the State of its decision to proceed with the agreements. After evaluating the FEIS and issuance of the ROD, the City Council may consider whether or not to proceed with these agreements. Presently there is no city code provision that describes how the decision to issue the notice shall be made. 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 authorizes~~ the City Council alone to issue the notice to proceed with the agreements beyond the preliminary design work. Section 6 provides that the City Council's decision shall be made at an open public meeting held after issuance of the FEIS, 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 would be able to decide~~ authorized to issue notice at an open public meeting that it intends to proceed with the agreements beyond the preliminary design phase of the project.

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 there will be no explicit city code provision describing how the City Council should provide notice to

~~proceed with the agreements beyond the preliminary design phase of the project and the City Council may be able to proceed with the agreements beyond preliminary design only by enacting another ordinance.~~