

From: Leman, Chris
Sent: Friday, May 18, 2012 11:04 AM
To: Barnett, Wayne
Subject: Appeal of the City Attorney's Library Levy Explanatory Statement, and suggestion of a substitute

To the Ethics and Elections Commission:

Under SMC 2.14.030, I object to the Explanatory statement regarding the Library Levy that the City Attorney has submitted for the Voter's Pamphlet; and I offer the attached substitute that I request that the Commission use in place of what the City Attorney proposed. The reasons are as follows:

- (1) Detail on the actual amount and nature of taxation proposed by the levy should be presented first in the statement, not last as in the City Attorney's version, which begins with baseless and conclusory statements about what the taxes raised "would provide."
- (2) The City Attorney's version incorrectly states that "The taxes raised would provide funding for operations, major maintenance and capital improvements for the Seattle Public Library. The funding provided through Proposition 1 would be spent in four categories." In legal fact, the levy ordinance language does not require that the proceeds be spent for the Seattle Public Library or in those four categories. The revision offered here provides clarity that it is the annual budget process that will determine how the levy proceeds will be spent, and that these categories are, in the words of the levy ordinance, "illustrative examples." In fact, the legally correct statement, as suggested in the attached version, is that the funds "might" be spent on those purposes. The City Attorney's version mentions the levy ordinance language about the budget process and about illustrative examples, but not only after misstating how the levy "would provide" that the funds be spent. It is particularly surprising that the City Attorney has made these errors of legal fact, because there was a very public and unsuccessful effort to convince the City Council to include in the levy ordinance certainty on how the taxes raised would be spent—certainty that the City Attorney now falsely claims is in the ordinance.
- (3) The suggested substitute ends with these explanatory sentences: "Each year the Mayor and City Council will work out a budget that determines how much of the levy proceeds will go to the Library. The Library Board will then adopt a budget that determines how it will spend any levy proceeds that it receives." The City Attorney version lacks this factual background about the process of determining how the levy proceeds are to be spent.
- (4) The titles of the four categories (hours and access, collections, technology, and maintenance) should not be bolded. They are not bolded in the levy ordinance, and nothing else in the Explanatory Statement is bolded. Bolding them brings inappropriate attention to them, especially as they are only "illustrative examples," not guarantees.
- (5) The first reference to RCW should be spelled out as Revised Code of Washington. Voters need to have this statement as clear as possible, and cannot be presumed to know what the abbreviation means.
- (6) Unlike the City Attorney's version, the suggested substitute tells the reader that the levy ordinance is available for review elsewhere in the voter's pamphlet.
- (7) The following two sentences should be removed, as the first is not actually a part of the levy ordinance, and the second is too minor for mention: "The City's total regular property-tax rate would not exceed the state-law rate limit of \$3.60 per \$1,000 of assessed value. Taxes levied in 2019 for collection in 2020, and later tax levies, would be calculated as if Proposition 1 had not been passed." While apparently not inaccurate in and of themselves, these two sentences are complex and minor, and detract from a clear explanation of the levy. However, I am open to a counterargument if the City Attorney's office feels strongly that the two sentences should be included.

Sincerely,

Chris Leman

Chris Leman (206) 322-5463
2370 Yale Avenue East
Seattle, WA 98102-3278