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December 9, 2013

The Honorable John Cranley
Mayor of Cincinnati
801 Plum Street, Suite 150
Cincinnati, Ohio 45202

Dear Mayor Cranley:

I represent a committee of five Cincinnatians—Ryan Messer, Jennie Rosenthal Berliant, Robert Richardson, Jr., Camilo Otolara, and Jeffrey McClorey—who announced this morning the start of an expedited petition drive to put the Cincinnati streetcar issue back before the voters in very short order.

As you know, Cincinnati voters twice before rejected attempts to derail the streetcar project, in November 2009 (Issue 9) and November 2011 (Issue 48). By “pausing” the project through the eleven ordinances passed last week, city officials disregarded the judgment expressed by Cincinnati voters in both of those elections. Worse yet, city officials purposely employed appropriations clauses to block the voters’ use of their referendum power to override the eleven “pause” ordinances.

By defying Cincinnati voters’ prior judgment on the streetcar issue, city officials have only made us more determined to use our power to make our voices heard on the issue in a meaningful manner and at a meaningful time. We therefore have decided to begin advancing immediately a charter amendment under Article XVIII, Section 9 of the Ohio Constitution. Under the Constitution, a special election would have to be held 60 to 120 days after passage of the ordinance verifying that we have obtained the requisite number of signatures to place our charter amendment on the ballot. We expect to have enough signatures to require council to pass that ordinance this month.

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The proposed charter amendment that we are advancing (the language of which is attached) would instruct the administration to complete the streetcar project without further delay “in order to avoid the need to pay back to the federal government millions of dollars already spent on the streetcar project currently under construction; the need to return to the federal government tens of millions of dollars already allocated to the project; the need to spend millions in local taxpayer dollars to cancel the project at this point; the wastefulness of spending such taxpayer dollars without having anything to show for it; the harm that cancelling the project could do to the city’s reputation; and the prospect of further division in the community over this issue.” The proposed charter amendment also would solve the issue of the streetcar’s operating expenses by delegating responsibility for generating the funds needed to cover them to a public and private sector partnership, relieving the city of that responsibility.

If in the near term a majority of council votes to lift the pause and resume construction, we ask that you accept their judgment and not veto their action. If you choose to veto it, or if council by some action or inaction purports to end the project or leave it in limbo, our petition drive is meant to give voters the final say on whether the project goes forward.

No matter where any of us stands on the streetcar issue, all of us should agree that Cincinnati voters have the ultimate right to decide it by means of an up-or-down vote on our charter amendment. I trust we can count on your cooperation in ensuring that the voters have that opportunity within the timeframe mandated by the Ohio Constitution.

Thank you.

Sincerely yours,

A handwritten signature in blue ink that reads "Paul M. De Marco". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul M. De Marco
*Attorney for the Cincinnati
Streetcar Petition Committee*

Encl.