**Tumwater City Council Meeting of June 4, 2024**

Including public comment and council discussion re: Davis- Meeker Gary Oak Tree

Video and Transcript from:

<https://www.youtube.com/watch?v=iaI_QtYvaGQ&list=PLE_nN-qDbnQqYIEbBFpMH9GFJyyM3CfSw>

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**Public comment pp. 35-86, Council discussion pp. 91-109**

0:04

welcome everyone to the Tuesday June 4th 2024 tomod city

0:11

council uh we will now go to roll

0:18

call council member leetta dalhoff present council member Angela Jefferson

0:25

president council member Joan Kathy oh

0:32

council member Eileen sworth out present council member Michael alower present

0:39

council member Peter agab present council member Kelly Von Holtz present

0:46

Mayor de Sullivan present all right we will now do the flag salute join me in our

0:56

pledge I pledge allegiance to the flag of the United States of America and to

1:02

the repic for which it stands one nation under God indivisible with

1:12

li make my motion am

1:21

yeah mayor I like to move to um amend the June 4th 2024 agenda to add under

1:28

Council considerations a discussion of the three example proposals I sent via

1:33

email on Sunday I'll second all right and which meeting was that today June 2

1:40

June 4th June okay it's June 4th today right it's June 4th yeah so that will be put under Council considerations the

1:47

last item under Council considerations all right next we'll be moving to special items we need to vote

1:55

oh you need to vote sorry uh all in favor signify by saying I I I I oppose nay all right the motion

2:06

carries all right now we will be uh going to special items the first item is

2:11

officer of the year uh and um we have a presentation thank

2:18

you council members uh it is both my honor and privilege uh to be before you

2:24

tonight to announce our 2023 officer of the year where is he's hiding already

2:30

officer Kelly Clark uh the

2:38

selection the selection notes I'm about to read to you really summarize everything about what Kelly has done

2:44

with the department and accomplished in his 25 years with tomter Police Department why he's deserving of this

2:49

award which was voted on by his peers so I'm going to read what his peers said about it on every team for at least the

2:56

past year there is a sigh of relief in the patrol room every time for Metro 22 pops onto the screen that in and of

3:03

itself should explain how highly valued Officer Clark is to his Patrol Partners Officer Clark is often unaffected by the

3:10

day-to-day changes and drama of the job as he projects a singular Focus do the work do it right do it together

3:18

routinely Officer Clark goes out of his way to assist his fellow officers offering his experience and expertise in

3:24

any way that it may help particularly for younger officers Officer Clark is a

3:29

role model model of steady professionalism and reliable partnership this past year no other

3:35

officer has worked a more unstable schedule as he has covered various holes in the patrol schedule he has done so

3:42

while maintaining his responsibilities as the only officer currently serving the Metro program it would be

3:48

understandable for an officer of his tenure to be slowing down or looking towards retirement instead Officer Clark

3:53

is likely the First on scene yes he is he is quite a leader in the center of

3:59

control and has become such a consistent Presence at tpd that it could almost be taken for granted Kelly has represented

4:06

team before self at a high level in 2023 and should be recognized for his effort with that I'm going to present

4:13

Officer Clark and this is from the Tumwater police officer Guild it's a plaque and it says 2023 officer of the

4:21

year officer Kelly Clark and recognition of your dedication and service to the citizens of Tumwater

4:32

we also have we also have another um gift to

4:38

give Kelly uh something to Comm commemorate what we feel about uh this

4:43

award uh and that's the American flag uh this flag is purchased and then flown

4:48

over both the nation's capital and our state capital which is certified in both of these certificates and this by uh

4:55

Commander Mason is holding it right now

5:00

m is yours they were giving me a hard time about a speech and I only actually came

5:06

up with three things when I found out about the nomination I was actually really surprised very honored and

5:12

humbled to be working with a great crewp of people that we have here working for the police department um as I was

5:18

getting ready for this evening I was thinking about I'm on the downhill slope of my career and I'm going to miss

5:24

working with all these fine officers that we have here at tum water um third

5:30

um I just want to introduce my wife my stepson my wife this is my wife Patty my

5:35

stepson Ethan I honestly believe if it wasn't for Patty keeping me grounded um I am

5:43

truly blessed for that as well I just want to say thank you and I'm very honored

6:11

all right next item is a proclamation for lgbtq I

6:17

a2s and I will go ahead and read this Proclamation whereas the city of tomat

6:23

recognizes that one of the greatest strengths is the diversity of people and

6:29

has longstanding tradition of upholding Dignity of the individual supporting

6:35

legal equity and fair treatment for all people and ensuring that acts of

6:40

discrimination and hatred will not be tolerated whereas in 1993 the city of

6:47

tumat passed the first ordinance to protect people from discrimination by adding sexual orientation to the unfair

6:54

housing practice law and whereas in 1997

7:00

tomw water became the smallest city in the United States to Grant domestic partnership benefits to its employees

7:07

and has since enacted several policies to ensure equity for all tomat residents

7:14

such as the equal benefits ordinance and whereas the city of Tumwater is a

7:19

national leader in affirming the Civil Rights and in uh innate dignity for all

7:26

people and encourage the free expression for all culture traditions and personal

7:32

talents for the social enrichment and betterment of the community and whereas

7:38

Tom water's diversity policy statement affirms its belief that diversity

7:43

strengthens work Workforce competency and performance celebrates and values

7:50

individual differences serving increasing diversity diverse Society

7:55

ensuring a res uh resilience of the city Mission program and services and

8:02

critical to the city's ability to serve every resident and whereas in

8:08

recognition of the Stonewall Uprising considered to be the Tipping Point for

8:14

the gay rights movement in the United States each June Americans come together

8:19

to celebrate lgbtq I a2s plus Community Pride month and honor

8:27

our contributions to Society now therefore I Debbie Sullivan the mayor of

8:33

the city of tomat does proclaim June 2024 AS

8:38

lgbtq2s Plus Community Pride month and will call upon the people of the city of

8:44

Tumwater to join in celebration celebrating diversity promoting inclusion and equable equal um

8:52

protection under the law and I further encourage people to join me in eliminating discriminatory policy IES

9:00

and practices towards any culture race or group thank

9:10

you with that we will now go to uh open public meetings act the opma uh training

9:17

by Morgan d uh deero with the Attorney General's office so good evening mayor

9:25

and Council um I'm really excited tonight to um have Morgan demo from the

9:30

Attorney General's office with us this evening to uh present um an open public meetings act training um this arose out

9:39

of your January retreat at which we had a very um brief conversation about um

9:46

open public meetings and there were many questions um so uh we're we're lucky

9:52

tonight to have uh a our attorney general's office so locally

9:57

located and um have agreed to um present this um training so you get to hear from

10:03

the expert and uh this is a great opportunity for you to ask all of your questions so please don't be shy and

10:12

take away

10:23

more good to go great so thank you very much for inviting me to spend part of

10:28

your evening talk talking about the open public meetings act um this is something that uh for the last six years six years

10:35

working for the AG's office I have been doing a lot of work with local governments all over the state on our two states two transparency laws uh

10:42

obviously the public records Act and the open public meetings act I think there's a huge value in both of these in terms

10:48

of you know the community getting to see the process being able to see how it is that government gets from an idea to a

10:54

conclusion um and obviously what we're going to be talking about tonight is the open public meetings how this this forum

11:00

where people get to see what's going on um where we're going to go this evening is I'm going to spend a little bit of

11:06

time talking about the significance of open government a little bit of kind of foundation principle kind of ideas but

11:12

really spend the rest of the time this evening going through what's expected for the opma um to stay compliant be

11:18

able to say yes we're meeting our obligations um something to keep in mind is that the opma is like any other law

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in the state of Washington it does change over time um we get decisions from the court from the court of appeals

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from the Supreme Court that shares information that we may not have been aware of in terms of the expectations or how we're supposed to implement these

11:37

laws um and then the legislature uh from time to time changes the law as well and

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so I I really appreciate being invited to have this conversation tonight because if you you you require to get

11:48

this training within 90 days of taking office and every four years thereafter um really encourage folks to do it more

11:54

often that it helps it maintain its freshness and complying with law and if

12:00

there's any changes because we're talk about a few of those this evening so with that let's jump into

12:06

kind of the starting point for this um and this is some some Bedrock principles that are in both of our transparency

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laws uh this is where the legislature didn't decide to go out and and write things differently you see this exact

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same language in both of our laws talking about you know in doing what we do serving as Council uh me working as

12:24

an Assistant Attorney General uh it's not that we are given unfettered power it's we have obviously you're given

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power to do things but there's an accountability that comes with that um and delegating that Authority the OPA is

12:37

a key tool for the public to be able to see from a council point of view how it is that decisions are made um and that's

12:44

really the expectation for it reasons you should care about it asides from the fact it's the law and it's always a good

12:50

idea to follow the law um I'm going to start with this this

12:55

idea in the leftand corner this evening um so this is a picture of Justice Brandon Justice Brandis was sitting on

13:00

the Supreme Court US Supreme Court back in the late late 1800 early 1900s um and

13:06

if you read a lot of his a lot of his papers and a lot of his letters that he was writing at the time he works in this

13:11

quote repeatedly talking about sunlight being the Des best disinfectant and he was really focused on how do we Foster

13:17

good decision-making in a public Arena um and how do we get people to look a broader perspective and so he was really

13:24

talking about this idea that you know if it happens in the light of day um that really causes people to take that that

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bigger perspective look instead of maybe looking maybe not quite so personally and say okay what's really the best

13:36

thing for the community for this for the group they're working with um continuing around on the the right

13:43

hand side there these are just three headlines that I pulled from newspapers across the state talking about times

13:50

when agencies have in these circumstances uh been found to have violated the opma and I don't really

13:57

want to get into the facts of the case but I really want to talk about the headlines um and the impact that headlines have on the community and when

14:03

people start seeing headlines like this it really starts tainting the work that's being done and people start going oh what else are they doing wrong oh we

14:11

can't trust them you see this kind of parade of horribles kind of kind of come up in their minds about you know what it is that government's doing um and you

14:18

know why you can't stop lawsuits I mean but you can insulate your best yourself as best you can do things like this

14:24

evening by by you know engaging in training being active and trying to you know comply with requirements um and you

14:31

know hopefully at the end of this uh you'll have you know one more one more Shield to be able to say okay we're doing this right we don't you know we

14:38

know how to we have to get from get through this process um and then the other piece of this is the opma um in

14:45

the lower right hand corner um the opma has a kind of an enforcement two kind of

14:51

two enforcement arms to it uh one is personal liability for you all as council members um the individual

14:58

council members are for knowing violations individually responsible for the first knowing violation $500 if a

15:05

court should award that um or each subsequent knowing violation a thousand dollar personal penalties obviously

15:11

that's not something that I want to see anybody get it's part of the reason I do what I do um because nobody wants to be

15:17

in that situation um actually the thing that concerns me more about this is the

15:22

second piece that could happen if there's an opma violation is that you could be in front of a judge and the judge could say yeah that decision that

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you thought you made you didn't comply with the opma therefore it's a null and void decision so now you have to go back

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and do it again um and so you leaves the potentially leaves the agency in limbo in terms of some of these

15:40

decision-making processes um and so that's the other reason you that's the

15:45

bigger concern in my mind is you know what happens to the decisions that are made if there's an error in the process

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that's substantial enough to cause a judge to say nope we're going to wipe this the Slate clean here go back and do

15:56

it again so that the public is aware of what happened

16:02

here there we go um just got to figure out which direction I need to point the clicker um so dig a little bit deeper

16:09

into the opma we're GNA Focus that's about as far as we're going to go into those principal ideas kind of looking at

16:14

this idea and this if you went back and looked at the opma from a historic point of view um a rough current version of

16:20

what we have for the opma really came into existence in 1971 before that what we had was an opma that said the public

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got to see the final vote and there was kind of a realization at that point that while interesting really isn't

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informative because where you learn what happens and how we get from the idea to a conclusion is all the dialogue that

16:39

happens and so in 1971 what we saw is this expansion of the op's expectations

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that all action all the deliberations all the conversations have to happen in this public forum where people get to

16:50

see what's going on um the most recent addition we've seen to that is as we emerg from from the covid pandemic

16:57

obviously I think nobody wants to go back to that but what we saw was that public participation in meetings went

17:03

way up in Co and I have two theories on that and I think the one that is probably the most significant is we were

17:08

so desperate for Content we would watch anything um but we but and I did it I

17:15

mean I was watching Schoolboard meetings because it was relevant to things I needed to know about and it's a tool to be able to do it um and so we saw an

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encouragement that we continue to use these tools um and then we also have seen this addition well it's no longer

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just the expectation where the public gets to watch the decision makers make that decision but it's an opportunity to

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share information this is one of those changes that it's a change without a big difference in my mind because most of us

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were doing it already it's just got some formal structure now where there's some requirements to to accomplish this and

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that's really what the OPM is designed to do is it's this it's supposed to be this this environment where there's an informed decision informed knowledge

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about what the decision- making is probably the best way to describe it so who does the OPA apply to um it

17:58

applies to multi member boards um obviously Tom water city council congratulations you meet that

18:03

requirement there are seven council members um it doesn't just by compare and contrast it doesn't apply to agencies that are headed by a single

18:10

individual uh like I work for the Attorney General's office current attorney general is Bob Ferguson the

18:15

opma doesn't apply to meetings of that of that of our office but it does apply to meetings of a multi-member body like

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you all um it can apply to deeper into the agency so if you set up a committee or something like that that's doing

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something on your behalf it can extend to them so it's not just this high level kind of have to look deeper look at what

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the CH what what is that this group is being is authorized to do um it also

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applies to City councils it obviously applies to County councils and things along those lines

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um who the opma doesn't apply to and this is very specific and it's and it's written in there it doesn't apply to the

18:53

courts it doesn't apply to legislature um it doesn't apply to private organizations that's a common question I

18:59

get one of the other hats I wear for the Attorney General's office is I'm the open government on buds I get a lot of questions asking about homeowners

19:06

associations outside of the scope of the op we're talking about a governmental function here um and it also doesn't

19:12

apply to certain activities so if the city council is sitting in a quasi judicial matter say you're hearing a land use petition or you're actually

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sitting as the the adjudicator of that like in a Judicial kind of role that

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mean that that action is actually also outside the scope of the of the OPA of the opma um doesn't apply to collective

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bargaining it doesn't apply to administrative procedures act like rule making which is really more of a state issue um and then if fi it's also

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licensing and perating issues similar to what sitting in adjudicated capacity that also doesn't apply to the actions

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if you're sitting in that limited capacity encourage folks to think about it from yes it does apply to us and then

19:48

go looking for a specific okay do we fit within one of these four exceptions talk with legal council to make sure you're

19:53

you're squarely within one of those exceptions and just be cautious if you're if you're thinking about it um whereas more issues is talking about

20:00

committees and things like that um and they think oh it's a committee it doesn't apply to the committee it could you have to look at you know where did

20:05

the committee come from so the basic requirements probably not going to be a surprise um for for

20:12

anybody um all the meetings and we'll talk about what a meeting is of governing body which is a multi-member group like like the city council here of

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a public agency so we've checked all three of those boxes have to be open to the public this is also where the the

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legislature has worked in that encouragement um that we continue to use these the tools that that are up on the

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screen this evening whether it's teams or Zoom ways for people to participate remotely because like I said during

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pandemic we saw a huge increase in people's able ability to participate and and inform themselves as to why

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government was doing and what what was what it was doing yes of course yeah as

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representatives of the city we often serve on the boards of different nonprofit organizations and some of

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those have Charters to where the entirety of the board members are elected officials from different

21:01

jurisdictions if that's the case and you have a nonprofit that's purely governed by local elected officials is that are

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meetings of that board subject to the opma potentially yes um there was a case that came out of uh as an AG opinion

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talking about this um you have to look into you know what where what's the origins of this of this group um are

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they serving a governmental function it's a four-part test so potentially it could um you can you need to look at

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factors such as you know how where did this organization come from who formed it who controls it where you know where

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do they get their funding who controls the day-to-day operations those are the four factors you kind have to look through each one of those and it's not a

21:39

two and two as a tie kind of have to look at it holistically and say okay uh taking all these factors in cons into

21:45

consideration um we think it is or maybe it's not so you really have to it's a nuts and bolts kind of question there's

21:51

no there's not a oh the answer is X kind of thing have to really kind of look at it thank you though got it thank you

21:58

so when it comes to this I mentioned this already is when it comes to a governing body um it's obviously the city council it can be committees

22:05

subcommittees when they're acting on your behalf when they're given some delegated authority uh if they're taking

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public testimony um if they're taking public comment conducting hearing something that you would normally do but

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you have tasked a subgroup with um as compared with if it's purely an Advisory Group um let's say that the city council

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was looking at an issue and so you formed a subcommittee to talk to other similarly sized cities around the state

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to see um how you're doing with Transportation Planning um and to bring a report back to council to say here's

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what we found out it's purely advisory um doesn't have any impact it doesn't bind you to something uh very likely not

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subject to the open public meetings act um what you have to watch out for in those situations is if that group has

22:49

some kind of deao gatekeeping sometimes we see it come up with Grant reviews and so the the committee is going to review

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the grant applications and bring back the top five candidates now we have a problem we have an issue with the opma

23:00

because theyve you have in some inherent gatekeeping some decision-making that these folks are doing so you have to

23:06

kind of watch that balance with the Committees that you're creating so what is a meeting

23:13

um and not to be re guess redundant here a meeting is a meeting um a meeting is

23:19

when there's a quorum of the board present um having some kind of a conversation um and when I say present I

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don't actually mean physically in the same space you can have a meeting arise

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in in Virtual in Virtual through social media it can happen through a zoom meeting uh what it means it's more

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looking at is the is there a conversation going on is there a quorum you know in this case would four of you

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be having a conversation about something that the city is considering um one of

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the nice things about that is if you are three you don't have that Quorum we have to pay attention to is kind of I've kind

23:55

of quarum creep where you start off with two and then you end with three and then yet four I'll talk about a couple

24:00

examples in a second where this has happened um that's really the key piece you have

24:05

to look at what it is that you're what it is that you're doing are you taking action on behalf of something the city would be considering something that the

24:12

council is is is under under is reviewing um what you entitled what these things

24:18

are called doesn't matter it's really a functions test it really looks at are we having this conversation are we talking

24:24

about something that is a city council issue um we could call it meeting we can call it a retreat we can call it a study

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session it's really looking at content it's not looking about titles and so some occasionally people like oh this is

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just a board retreat we don't have to do this yeah you do you're still having those kinds of conversations as Forum of

24:41

be present you're discussing issues longrange planning for the city whatever the whatever the case may be look move

24:48

forward there we go um there is one exception in here simply passively

24:54

receiving information is okay but it's also and let say it my way it's it's also really scary um and and because

25:01

what happens is is like I said you can have a meeting U between you know occur

25:07

without being physically present um and that's exactly what happened in this case in San Juan Island was this was a

25:13

this was a planning Planning Commission um and they were having they discuss two of the board members of this commission

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were discussing an issue that they were they were they were reviewing um and there were seven on that as well they

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were fine the only two of them were having this conversation um then the two of of them looped in a third person and

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what they didn't realize was that the third person also had looped in a fourth person and so behind because of this

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this unintentional creep they unintentionally stepped over the Quorum line um and what the what the court

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found we know about this because obviously you went to the court of appeals the court looked at was there an intent was there really an intent to

25:46

have this conversation to to step into a formal meeting type of a scenario formal meeting you know having a I don't mean

25:53

in terms of a called meeting but in terms of having a conversation and it said no this was kind of one of those

25:58

unintentional things and I think what really saved them in this case was when they found themselves you know all of a

26:03

sudden in the magic number four because they were over that Corum line their next action was key the next action was

26:10

they did nothing they stopped um and so there was the court said you know while there was four it was they when they

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they didn't intend to have this conversation as compared to what happened in this case at a city of Seattle you might recall a few years ago

26:22

there was a discussion of a head tax in Seattle passed on a Friday afternoon there was some public outcry uh there

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was the media was covering it covering it and then Monday morning there was a vote by the same city council and it

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vaporized and so people were trying to figure out how did we get from Full forward to full stop this fast through

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public disclosure requests and then litigation to Discovery what they found was a series of communications occurred over the weekend between members of the

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city council um and there wasn't just a one or two kind of thing there was this ongoing pattern including some

26:52

Communications by some of the staffers trying to figure out how the how the city council was going to vote vote on

26:58

Monday if it came up again and the court looked at okay look at let's look at this course of conduct and the court in that case said yeah we think there was

27:04

an intent to have a conversation out of the public view to figure out what was going to happen on Monday and that's

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that's so in the city of Seattle there's the difference between them is they found that there was an intent to have this conversation versus what had

27:16

happened in San islands where it was a conversation that is kind of morphed but you always have to be careful with those

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especially in the world we're working in today with because it can happen social media it can happen via over the phone

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it can happen through email it can happen through a combination of all of these um which is why you know when when

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I talk with folks one of the best practices is obviously just don't do it bring your bring your conversations to

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this um one common thing that comes up is you know there'll be an issue or an

27:45

agenda item for the next for the next meeting and a council member will say I find something and they'll say oh I'm gonna I'm gonna forward this on to my

27:51

colleagues for for part of the conversation um best practice in my mind

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is work through intermediary give it to your C give it to your board clerk so that there it takes the ability of the

28:03

respond all button to be because responding just takes it back to the clerk and and the clerk hopefully isn't

28:09

acting as the center Hub of this wheel and Comm fostering Communications so you typically don't do that um it just the

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reason I bring that up is because these communications can get dicey because you you know I S something as a council

28:22

member and then my colleague council member decides oh I want to add something to this conversation they provide more information and another one

28:28

provides more information and all of a sudden it goes from this appearance of are they really just sharing information or are they having a conversation um and

28:36

you just have to be cautious of it so the best practice in my mind is you know send send send records to the court cler

28:42

to your Clerk of the board let the clerk of the board package that and share it to share

28:47

it if for some reason you choose you think you need to share it with your colleagues

28:52

um blind copy is is is a great is a great way to do it because it it removes the ability to respond all um I have

29:00

this thing in my office says that no no good comes from the respond all button um and I think it's very true um it's

29:06

just things that don't need to happen because it's just easy to engage in this conversation the other thing to keep in

29:12

mind with this idea of Simply receiving information without comment is not a meeting this is also partially what allows uh going to trainings um like the

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Washington County of City Washington County of City officials puts on annual trainings um you can go to those and

29:27

gather that information my advice in going to those trainings if four of you are going don't sit together uh because

29:33

inherently it's like and you turn to hey we should and then you're like oh wait a second hopefully light bu goes off like

29:40

oh we shouldn't have this conversation now but that's what allows also parti allows you to go to those kinds of trainings we receive that passive

29:45

receipt information so the idea of what is

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action action is obviously another component of what it takes to have a meeting like said it has to be public

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agency has to have a of be present um and then there has to be action this is what I was talking about the change in

30:02

1971 where we went from action back then was Final action and that's still part of action that's the final step but it

30:08

you know one of my colleagues used to describe it as you know it's the sausage being made and I'm not sure if that's a good thing or bad thing seeing the

30:14

sausage being made quite honestly um but you get to see everything people get to see the dialogue they get to see the

30:19

disagreements between you u in terms of where the city should go and really get informed that oh this was really

30:25

robustly discussed and people understand how you get to your decision-making Point um and that's really what an

30:31

action is is all inclusive when our courts have looked at this there a couple AG opinions looking at this the courts look at this from a liberal point

30:38

of view because this is a remedial statute and so the courts are going to say you know we expect this to happen in the public kind of sector public kind of

30:45

environment so it took looking at you know what is public testimony they're gonna say oh this they're G to try to if it logically fits within that they're

30:51

not going to limit that for some reason um and it's really that idea all those discussions need to happen which is also

30:57

the problem with uh those meetings that that potentially could happen via email

31:02

people don't get to see email andic public disclosure requests people don't get to see phone calls and meet and

31:08

meetings can happen via phone calls that's happening out if those do happen those are happening not in this public forum and there's the Crux of the

31:14

problem there one of thing to keep in mind is

31:20

that the op is triggered irrespective of whether you actually make a final decision it's such a broad definition

31:26

it's the it's the process and so some some some topics don't reach a a resolution point they just kind of Peter

31:32

out and you're like okay we're not going anywhere with this one but still kind of a mutual kind of a cons agreement not to

31:38

do it but there's no formal vote still subject to the opma and of course final action final

31:43

action is is the Crux people get to see what it is that the council does they get to see how you vote which means

31:50

they're you you're not allowed to do polling you're not allowed to do silent votes I talked with an agency a while

31:57

ago they were contemplating doing a vote via email and making that maybe making that well they're going to make the the

32:03

uh the vote public later on I was like well that either is a violation of the opma flat out or it looks like polling

32:10

either way you have a problem final decisions have to happen in this kind of public forum well people get to see how

32:15

it is that you've how it is you vote on any specific issue that's even the case you we'll

32:21

talk in a couple seconds coule minutes here about executive session which is where you get to go out of the public view for very limited purposes

32:28

with maybe one exception and I'm not convinced on that one yet either um even if you get to go into executive session

32:34

for the conversations on certain topics final decision still has to come back out into the public Arena people even if

32:40

you go into it for one of the permissible person purposes you still have to come back to this Arena and

32:46

people get to see I vote Yes or I vote no that's that's a key

32:53

piece if you look at the Bedrock principle within the public rec public record act no other one we're talking

32:59

about the open public meetings act um it's really this idea of public attendance uh people get to walk in you

33:05

can't place conditions on folks being able to attend uh which means as happened here this evening people

33:12

literally you know found a place to park walked in the door and took a chair that is that is the standard you cannot have

33:19

in the current environment you can't have signup sheets you can't take attendance as they come in um people get

33:24

to come in and watch the process doesn't mean the Wild Wild West you can set reasonable rules of conduct we'll talk

33:30

about a couple of those along the way it's still your meeting um but people get to atttend without without those

33:36

without those kinds of conditions they have to be generally applicable conditions this is one of those new things in the opma for the last couple

33:42

years and it's so new we don't have any case law on what it really means yet um so if you're considering setting some

33:48

kind of a condition applicable to the general po to the general public I always encourage folks two things one is

33:54

obviously talk with Council about you know what we should be doing here what's the legal risk um and encourage to think

33:59

about what's the least restrictive thing we can do to accomplish our goal um and I just think that's you'll be in a much

34:06

better place if you get challenged to say you know we considered a B and C and C was the least restrictive to

34:11

accomplish our goal um obviously a judge could disagree with you but it shows you gave it good

34:17

deliberations um and again we're going back to this idea that there's encouragement that we continue to use

34:22

the remote the remote access tools um and I've seen some pretty Creative Solutions to that I know of one agency

34:27

that actually owns a radio station um and so they broadcast all of their meetings over over the air um one other

34:34

thing to keep in mind when you start talking about public attendance as commonly happens is folks attending the

34:40

meetings uh G Give an example my phone is in the bag though so I can't do that um they'll pull out their phone and they

34:46

want to start recording these meetings by their definition these are public meetings while Washington is a two-party

34:52

consent state for private conversations obviously a key word difference there we're talking public versus private so that doesn't mean that

34:59

you know if a member of the public all of a sudden rushed the dis and was putting a phone right in your face and yelling say that again say that again

35:05

that's one of the things not okay um but if M of the public was you know in the simply sitting here held up their phone

35:12

was recording this that's okay that's this is a public meeting um there was a small easn Washington town that made

35:18

some unfortunate decisions and didn't allow that to happen ended up having one of the public members of the public

35:23

arrested um and it didn't go well for that City or the sheriff that arrested them so please pleas don't do that um it

35:29

doesn't happen very often it was just a really unfortunate day I have a question for clarification so this evening we'll

35:36

be having a obviously a lot of public comment we do have a signup sheet and that and that is not what you're

35:42

speaking to that is not what I'm speaking to I think that's one of the reasonable rules we were doing that

35:48

before um the public records me I'm stuck on public records today I don't know why before the opma changed and

35:54

required public comment we could have those Reon we could have signup sheets I think that's still one of the reasonable

35:59

rules for the orderly conduct meeting you can have people sign up you can set rules in place in terms of everybody

36:04

gets three minutes um those kinds of things council member Kathy thank you

36:11

mayor um I think it's back on the other slide you the comment that you made

36:17

about having a um an executive session

36:22

yes we making uh decision there that and you said that after that

36:28

the um folks that are in that meeting are required to say what happened or how

36:33

they voted or what the topic was the topic is announced ahead of topic isn't

36:39

yeah sorry if I let me clarify thank you for for for being if I if that's if that's what you it wasn't what I was

36:44

trying to convey um what I was trying to convey with that is that if you go into executive session for one of those

36:49

permissible purposes um what's happens in executive session is supposed to remain confidential um and so the

36:56

dialogue that happens isn't supposed to to be shared externally um but if you're going to make a final decision that

37:02

cannot happen in executive session the final decision has to come back out into the open form like this um and there'd

37:08

have to be typically a motion to do X second and a vote that has to happen in this in this context so you can have all

37:15

kinds of discussions and discuss have all kinds of information and so forth

37:20

and it doesn't come out to the public is that correct that's that is the expectation there's a couple there are

37:27

you know and there's an expectation that council members maintain the confidentiality of that provided is a proper it's a properly called executive

37:33

session for a proper purpose that is an expectation um but said the vote is

37:39

supposed to come back out out to here um a good example is let's say that you're

37:44

going to be hiring a new city executive um sorry mayor um and that uh so you're

37:50

doing interviews So you you're you're you're evaluating the qualifications of an applicant for for public employment

37:57

you could then have that conversation in in that executive session um in that

38:03

situation you have to be careful to talk about the qualifications of Morgan damro for that position and then the qualifications of Melissa jury for that

38:09

position and not get into a well which do we like better which one should we hire it's really supposed to be an

38:14

individualized assessment and not that compare and contrast you have to be careful with it um and it can be consensus too it's not just a formal

38:20

vote so if you find yourself having those conversations in executive session and so do we have agreement um you

38:27

public too far I uh I understand it as far as Personnel is concerned uh when it

38:34

is a discussion that impacts the community or eventually impacts the

38:40

community um as evidence here tonight

38:46

um I think that it some something breeds a little bit of often those executive

38:54

meetings um you know people wanting information or when did

39:00

that happen or how did it happen and I don't think a lot of folks are satisfied

39:07

well it was decided or it was talked about or it was brought up in an executive meeting and I can't talk to

39:14

you about it so I'm just saying that um I I think that that's a something that

39:20

needs to be looked at because I think it's misused you know you know

39:28

not that you're going to look at it you I'm I'm just I'm just suggesting that

39:34

that's that's over the years that I've been here that's been an issue and

39:39

obviously I I encourage restraint you know when I'm talking with historically talking with my boards and commissions about executive session I always go back

39:46

to statute 42310 subpart one and then there's like countless exception reasons why you can

39:52

go into executive session and make sure that we're going in specifically for one of the allowed Reas

39:58

um you can go in for the purpose of and I think probably safe considering the

40:04

sale of piece of property the city owns where if you had that conversation in a public forum it would cause you to not

40:09

get the highest bid for that piece of property because or if you're going to purchase piece of property the the flip side and say okay I think we can budget

40:15

$3.2 million for this purchase U guess what the property own is going to want to sell it to you um versus being able

40:22

to have that the negotiations that happen in that kind of forum or you can go in for the purpose of getting advice

40:28

for getting legal advice obviously your attorney has to be present um but the discretionary I mean you can choose not

40:34

to go into executive session it's an allowance to go in you don't have to go in but there there's often good reasons

40:40

why why there is these specific reasons to go in um so I can't tell you uh you

40:45

know I I can't tell you when it's when you should when you shouldn't or anything like that but there are these

40:51

allowances to happen I guess I'm just saying that like everything else sometimes that's abuse

40:57

used and uh things are talked I understand what you're saying about purchase of property uh at the beginning

41:04

when you're talking about that I understand personnel and yeah and that's so but but there are other things over

41:11

getting to your get discussed in a meeting like that and then um anyway

41:17

anyway I just wanted to bring bring that up to say that you know that's something I wish

41:24

was the whole executive session thing I wish was looked at and it has different

41:30

different ways that it gets applied in different communities and different

41:35

forms of government where um where it's impact it impacts uh how you make your

41:43

rules and laws so that's all I'm and I have and I have seen situations where either working with with legal council

41:50

president meetings or the city council members County council members whoever where if it starts M when the

41:55

conversation starts migrating into a not allowed purpose yeah uh to to call them on call your colleagues on um and say

42:01

you know I don't think we're in for a permissible purpose get legal advice see if you're still within the realm of why you should be in there or if your

42:07

concerns are Justified where either you know sometimes it's unintentional and

42:13

I'm not so naive to think sometimes it's misused I've heard examples where we're going in for getting attorney getting

42:19

legal advice from our attorney the attorney is not part of the conversation you're not getting legal advice that's kind of one of the essential Parts yeah

42:26

and so it's also self- policing so amongst the seven council members in this situation if you should find yourself in their pushing pause say okay

42:32

are we are we really in for a permissible purpose because that would be pop back thank you thank you I didn't

42:39

I didn't mean to get a whole area of Education here but I I

42:44

appreciate it very much no you just made one of the later slides a lot shorter so perfect

42:51

uh again um this idea that you we're encouraged to use remote partic Pati

42:57

tools and the reason this was is in here is because we've seen a couple of moves I think this is coming in the future um

43:03

I don't know when they L this is my crystal ball that I bought at the dollar store so it's not the best quality um it's a little cracked some kid was

43:09

playing with and dropped on the floor um but I think we will see this future at one point the legislature was making

43:15

this mandatory and I think because of some technology realities uh seed of tum water is slightly different than some of

43:21

the smaller jurisdictions some mosquito districts that literally don't have offices and work out of people's garages

43:26

um those kinds of things um and so I think this is just a a placeholder for seeing this in the future we're seeing

43:32

school districts being placed under some heightened obligations uh to record meetings and things like that that

43:38

aren't applicable to cities and towns yet but I think it's coming so just kind of something to watch for um the new

43:44

change I mentioned that really isn't a change is this idea of public comment it is now required and and may or your

43:50

comment about reasonable rules are exactly correct I think you can and this is you can have reasonable rules for the

43:56

orderly conduct of your meeting which involves having people sign up uh putting time limits it's not open for

44:01

them people get to go on for for as long as they want I mean like this evening you have a lot of people present tonight

44:08

who I'm sure want to make comment and so you can put reasonable limits so that there's a reasonable opportunity to make that happen um you have two choices when

44:17

it comes to this and first off I should mention that oral comment or written comment this new public comment

44:22

requirement is at every regular meeting um and the then we'll talk about regular meeting versus special meeting in a

44:28

second but this only applies to regular meetings and you have two choices as to how you accomplish this first is you can

44:34

take oral comment much like I'm doing this evening you invite members of the public up to give them whatever length

44:39

of time that you designate to say what would you like to share with us um what do we need to know and that's that new

44:45

piece that was in that earlier slide it's not just being informed but informing the governing bodies of how

44:51

the community feels about whatever issue is is is on the agendas um you do you

44:57

have an expectation or requirement that if somebody has has a disability limited Mobility difficulty making it to the

45:03

meeting that you accommodate that if reasonable um and I've seen some agencies get pretty creative with that

45:09

literally one case where they they the clerk of the board held up a cell phone and just held it up to the mic and so

45:14

that person could participate remotely there is an obligation to accommodate that you my best advice to that is in

45:20

your agendas put that out there that say you know we're accepting public comment if you need accommodation please contact

45:26

the clerk of board by 5:00 the day before or noon the day of the meeting whatever so you can put something in

45:32

place versus trying to do this at hoc I think that would be okay um the other possibility is written public comment

45:39

and again you uh can put reasonable rules in place for this and say we're accepting written some agencies moved

45:45

completely to written public comment um and but it's it comes down to you can put reasonable rules things like

45:51

size four pieces of paper something like that single spaced uh so you don't get this massive Treatise of of something

45:58

something that the the council could reasonably review the one key piece in this is that it has to be distributed to

46:05

the governing body in advance of the meeting if you choose to take written public comment my my suggestion is that

46:12

at the start of the meeting who whoever is the chair put that on the record and

46:17

have it reflected in the minutes to say we accepted oral comment EXC me we accept the written comment we receive 15

46:22

written pieces 15 comments those were distributed to the council as of noon this this afternoon um and so it's

46:29

reflected uh because at some point the state auditor is going to come in and if you say you're taking written public

46:35

comment they're going to want to make sure you accomplish that which is why I put that on the

46:47

record oh

46:53

yeah 4256 240 is where 42

47:00

56240 welcome made a comment a little bit ago

47:07

that these are public meetings they are still your meetings and why there is an expectation for having for having public

47:13

comment now regular meetings U that I said like said it's not the Wild Wild West um and so this is where those

47:20

reasonable rules of conduct can come into play I also recommend that in terms of the the expected response within the

47:27

opma is kind of what you would think it's proportional the first idea is you engage with the the whatever's causing

47:33

the confrontation if it's an individual you ask the person to to step away from the mic they three minutes up or to you

47:38

know step back from the dis whatever the issue is then maybe you recess the meeting um and then maybe you reconvene

47:45

and invite me members of the public back um ultimately if that doesn't work you could actually you could actually move

47:52

this meeting to a different location you're required to take members of the media with you if they're present unless it's the media that's being disruptive

47:59

not seen that actually happen um but there is that expectation my suggestion

48:04

is for the for the chair U to work with counsel and and you know have a have a

48:10

on the back page of your of your binder have a great great glass in case of emergency kind of thing I think this is

48:15

where that town I mentioned in Eastern Washington got himself in trouble they thought they had something they thought was disruptive they didn't handle it

48:21

appropriately and this is where you don't want to get caught flat footed you want to make sure you walk through that kind of approach in a logical systematic

48:28

kind of way and if you're going to con if you're going to reconvene the meeting at different location you actually have

48:33

to follow a specific legal process and so you want to be basically have that you know in the event you hopefully you

48:39

will never need it um but we've seen some of things recently where it's become necessary uh part of that also

48:44

means if you're taking testimony remotely using uh remote tools uh we've seen some really horrific things

48:50

happening with people with video recently um and so think about when you're taking public comment it's oral

48:56

public comment you have a choice as to whether you want to turn the video on or not um and part of it is because you

49:01

know I can I can hit a mute button much faster than once an image is up on the screen it's it's much more difficult to

49:07

unsee that kind of a thing um so it's things to think about as you're thinking about interruptions and disruptions and

49:13

just think about the the wh ifs um hasn't happened all that much thank goodness but we have seen some increases

49:18

in this which is why I wanted to mention this evening just to plan ahead so you may possibly need

49:24

it so I told you I was going to talk a little a little bit about meetings and there are two maybe three kinds of meetings there are regular meetings

49:31

which are the meetings that happen because this is what your C this is what your schedule says if if the schedule

49:36

says you meet every second Tuesday of the month that's a regular meeting every other kind of meeting is a special

49:42

meeting you have some specific obligations when it comes to putting out an agenda for regular meetings has to be

49:48

up on your website 24 hours in advance and you know that's I looked at that today and I saw that the city had put the agenda out um

49:58

my advice you can change the agenda with regular meetings one of the provisions says that put your me you agenda out 24

50:05

hours in advance and then some from time to time they get changed and the the opma says that's okay when it comes to

50:11

regular meetings typically what I see is a motion from a council member that says I make a motion to add a item item 4.2

50:18

to the agenda second vote if it passes it's added if it doesn't and you can take that through through the final

50:23

action I always encourage a little bit of restraint so it's perfectly legal to do but I always encourage restraint in

50:29

doing that because when a final agenda looks very different from an initial agenda people start wondering what happen and they start you know if

50:36

they're concerned about not knowing what's going on with government that's a way to kind of foster that distress sometimes there's really good reasons to

50:41

do it and you can you can you can do it with my boards and commissions I always question do we really need to do this

50:47

tonight or can we schedule a special meeting to do this or can it hold over to the next meeting and sometimes it

50:52

couldn't and we added and it w up but I just encourage restraint if you're going to add something to a meeting

50:58

um the other thing to keep in mind is do your best to get this agenda right if you don't get the agenda published 24

51:04

hours in advance um if there's a technical violation that that's not going to negate the meeting but do your

51:10

best um when it comes to these kinds of things there are some exceptions for

51:16

very small agencies I'm just going to mention this in case one of you sits on a different agency that that qualifies

51:22

um for you think might be very small uh give me a call happy to talk through that we're talking about the CD of tum

51:28

water you don't qualify for this um but I'll leave it at that um every other

51:34

kind of meeting is a special meeting and what that means is something has come up that we need to deal with those can be called by the presiding officer or they

51:41

can be called by a quorum a majority of the board members this is the one thing

51:47

you get to talk about outside of a meeting is having a meeting you can talk about having a meeting be super careful

51:52

obviously to not talk about why you're getting together um but a majority of you could say you know we need to get together to talk about Transportation

51:59

Planning um and we need to call a special meeting for that purpose that's okay you do have some very specific

52:05

requirements much like the agenda requirement you have to give notice of the meeting to all of the council

52:10

members you have to post that notice um at the regular business office and

52:16

wherever that special meeting is going to happen

52:23

um what makes a special meeting different from a he microphone par me

52:28

what makes a special meeting different from a regular meeting is I mentioned that in a regular meeting you could add something to the agenda and take it

52:33

through the final action you cannot do that for a special meeting special meeting you're are you can only take

52:39

final action on whatever reason you said you were getting together to whatever that issue was so don't take it too far

52:46

you also have to be very careful as to why you say you're getting together you have to give sufficient information we

52:51

just had a Supreme Court case talking about this where the court said you know the the notice of the meeting

52:56

didn't give enough information as to why the board was getting together it was too vague it didn't give enough

53:02

information so if you're getting together to talk about Transportation or you know Paving on linderson or whatever

53:09

the issue is be spec be as specific as you can so that the public who's paying attention can say oh this is an issue I

53:15

care about or yeah don't care about that one I'm not going to go to that meeting I'm not going to tune in for

53:23

it there's a third kind of meeting or maybe a second there's a special kind of special

53:28

meeting if there's an emergency um it's kind of an all bets are off and which is

53:33

why the pictures are on this on the screen think about when Mount St Helens errupted that was one of those things that if if cities counties didn't meet

53:41

right then right there as the ash cloud was spreading over Eastern Washington there was going to be significant loss

53:47

of property sign possible death people had to take immediate action that's the kind of thing where if if there's going

53:53

to be that kind of imperil you can get together and deal with that that is that

53:58

issue um the courts have looked at this a couple of times now and they've said economic loss is not enough it really

54:05

has to be that you know two examp two unfortunate examples uh the town of

54:10

mapon and then the town of Lind we're facing wildfires over the last couple years the first one the town disappeared

54:16

80% of the Town burned in less than a day that's the kind of thing we're talking about it's not the well this

54:22

could just really be unfortunate um it's really that kind of thing um and whatnot I've been doing this for 257 years and I

54:29

have never done this an emergency meeting U I did get somebody asked me and I thought it was a good example what if we have a water issue and so we have

54:36

to meet because there's a contamination issue with the water would that qualify I like possibly that I could be

54:42

convinced of that one but that's the kind of thing we're talking about where you know continue to drink the water because it's contaminated could cause

54:47

you know Serious injury or cause people to hospitalized or something like that I've talked about remote meetings

54:54

already so um oh see this I talked about the other time Ro meeting sorry I'm getting out of my slides

55:01

um now I've said I don't want to go back to pandemic times I don't think any of us do in the event that there is a

55:07

declared emergency we are allowed to go back and Implement some of what was done in some of what we live through when it

55:14

come in the pandemic um so in the event that there's a a declared emergency on the state or federal level local level

55:21

um then if this if the council determined that it couldn't have a meeting and keep everybody safe um it

55:27

has the option of holding a meeting all remotely um and nobody would be present in this room or having a hybrid where

55:33

some people would be present and say the public would be excluded in those situations you have to provide a remote

55:39

participation tool at least audio um and obviously I would encourage the more is better so if you can use a zoom or teams

55:45

do something like that um you have to make the the government the agency has to make an affirmative decision that it

55:50

can't have that meeting with reasonable safety um again this is brand new we've seen no litigation on it um and this is

55:56

one of those Clauses in the opma that I hope lives in dormy for decades um but if you get if we if you're facing one of

56:02

these say that my example the town of Lind um that that would have been a good time for possibly or we've seen this a

56:08

couple Wildfire issues in Eastern Washington that might be a time this would be

56:14

exercised one thing to keep in mind that this is different than what's happening

56:19

here this evening I know that three of your council members are participating remotely that is that is permissible

56:25

pursuant to your own rules um in fact it's possible and I've actually done this with a couple of my boards where nobody was present uh

56:32

everybody because it was a Statewide committee and so they were scattered all over the state and everybody participated remotely in those

56:38

situations you you still have to have a physical location where somebody could walk in and be able to observe this uh

56:45

people sometimes get confused between those oh it's a remote meeting we don't have to have a physical location anymore you still have to have a physical

56:51

location unless you're talking about one of these emergency situations

56:56

executive session's got to be much shorter because thank you we covered most of it um I'll hit the high points basically what it means is you have to

57:03

go in for one of the permissible purposes in 4230 1110 um and it it runs

57:09

the gamut there's we've talked about a couple of them my personal favorite is National Security I've never had to got

57:14

to go in for one of those either um but you have to find one of those you have to be and I I always go back and look at

57:20

that list and say why am I going in you have to give notice of why you're going in so the presiding off officer has to

57:26

make the announcement it should be on your agenda as well I I recommend not getting creative here quote the statutes

57:32

um the presiding officer has to say how long you're going to be in executive session and once that once you make that

57:39

call you cannot come back into regular session early um if you say you need 30 minutes and you only need 10 you've got

57:45

20 minutes to go get a cup of coffee you can't reconvene early because other people may have gone to get a cup of Coffey you can extend as if you say you

57:52

needed 30 minutes and you need additional time at the end of the 30 minutes the presiding officer can come

57:58

has to come back out into regular session and make that announcement obviously wouldn't happen here this

58:03

evening but I've seen this happen to an empty room with a bunch of chairs and it feels really weird still make the

58:09

announcement make sure that's reflected in the minutes of the of the meeting that those kinds of things have happened because you know it when the auditor is

58:16

looking at your processes in a full audit they're going to be looking for that kind of

58:23

information traveling Gathering I've also talked about uh we were talking about that first slide talking about the

58:28

idea of you you can travel together to meetings you can go to trainings together there's a couple of AG opinions

58:34

talking about this because of inherent human nature you need to be super careful it's the idea of oh we're

58:40

together this is really useful information we got from this training how are we going to implement this at the oh wait a second we've gone too far

58:46

here if you can keep yourself from talk talk about everything else you can travel together um but just be very and

58:53

go to you go to conferences together just be very careful not to talk shop take in what you know what you're

58:59

learning and bring it back here and have that conversation here

59:05

um one of the nuts and bolts requirements is you have to keep minutes the only required content in your

59:11

minutes now is the purpose of your executive session obviously I recommend adding more to that beyond that it's

59:17

kind of your practice I've read some minutes that are incredibly detailed and I feel I feel badly for the clerk of the

59:23

board having to keep track of all that because it needs like a transcript other ones I've read you can barely tell anybody was there I'm more of an issues

59:29

person I would like to be able to say okay what happened what were they talking about what was the outcome tell me so I can see where things went um but

59:37

UPS in that it's it's kind of your practice as as to how you want to do it they do need to be approved and typically what that means is for

59:43

tonight's meeting your minutes would be approved at the be beginning of the next meeting that seems to be reasonable in

59:48

the eyes of the Court um some from time to time minutes are wrong and I've seen agencies have to go

59:55

back and and correct them that is done and and to do that it's not just a matter of editors editor I would have it

1:00:02

come back to this and somebody make a motion to amend the prior minutes keep it

1:00:07

formal finishing off this evening with opma penalties I already talked about the personal penalty piece and I I I

1:00:13

said I I'd really hate to see anybody have to be in that situation where you're writing a personal check for

1:00:19

first off you have to find your checkbook um but $500 for a first knowing violation $1,000 subsequent

1:00:26

violation you're also paying attorneys fees on top of that the agency is on the hook for those uh there was a one of the

1:00:32

headlines I had on the case was a settlement for I think it was $166,000 um there's a case on the P side

1:00:40

of things where the penalties were $115,000 and the attorney's fees were

1:00:45

$45,000 so there's a really repercussions for getting this wrong there's and this is something that if if

1:00:51

if a member of the public brings a lawsuit against the agency for an opma violation this is why because the this

1:00:58

is built into the opma they want to encourage the transparency in order to get people to bring bring the suits

1:01:03

necessary there has to be that kind of like wait a second I'm going to bring a lawsuit and I'm still on the hook for $15,000 $45,000 if I'm successful so

1:01:11

it's a burden shifting and whatnot um and I've always talked about the other piece that concerns me with the

1:01:17

penalties piece um is if you get it wrong your decisions um and just because

1:01:22

there's a technical violation early in in a process doesn't mean the final decision is going to be null and void a court would ultimately make that

1:01:29

decision um but if it's if it's brought with problems all along the way highly suspect and I I think of court is likely

1:01:35

to overturn that decision to that event I've seen some boards go back uh think

1:01:40

about third grade recess and call that do over I've seen boards go back and do that do the same thing where they're concerned about a technical violation

1:01:46

early in the process and say okay we want you can't you can't make that prior violation go away but you may be able to

1:01:53

insalate the final decision by calling that do over having that conversation again talk for legal council if you're concerned about it um and sometimes

1:02:00

that's that's an appropriate thing to do so there's an opma refresher uh thank

1:02:05

you for the the great questions along the way and it made the final slides a lot easier any other questions I can

1:02:11

hopefully answer for you any questions from the council from

1:02:17

the council is what I saying Council thank you mayor any

1:02:24

questions great thank you very much thank you again for inviting me this evening I appreciate

**PUBLIC COMMENT ON PROPOSED REMOVAL OF DAVIS MEEKER GARRY OAK TREE**

1:02:48

it all right uh next item is public

1:02:53

comment and we do have an abundance of people for public comment so um at this

1:03:01

time we will receive public comment you may comment on items related to City

1:03:07

business not scheduled for a public hearing a signup sheet which I have here

1:03:12

so we will also have time for those who did not sign up um for to make public

1:03:18

comment when I call your name please come to the podium speak into the microphone and state your name and

1:03:25

address for the record each individual be limited to one three minute period to

1:03:30

make their remarks regardless of the number of topics you wish to address we do have a clock up here that will take

1:03:38

care which will provide you the time and so I want you to please pay attention to

1:03:43

the clock um just to make sure that people do not continue to go over if you go over I will be pulling up uh this

1:03:50

particular card to um have you wrap up your comments

1:03:56

uh you are not shall not make comments you shall make comments All comments directed to the entire Council as a

1:04:03

whole and not to individual council members and not to members of the audience you need to refrain from

1:04:10

disruptive behavior such as booing hissing audible comments cheering and

1:04:15

clapping uh so when I call your name and I do believe we have some online that

1:04:20

are uh also signed up for public comment yes many all right all right so I think

1:04:27

what I will do is go ahead and do um those who are signed up remotely and

1:04:34

again um three minutes to those who are signed up remotely and uh please pay

1:04:39

attention to the time so with that we will start public comment okay I'm gonna

1:04:46

start with Marne Jackson followed by Walter

1:04:53

Jorgenson hello hello uh good afternoon council members this is Marney Jackson

1:05:00

of Langley Washington it is easy to cut down a tree it's impossible to put it back in

1:05:07

considering whether to proceed with the planned removal of the da David Meer Gary Oak Tre please take time to allow

1:05:14

due process to allow actions in the court of appeals to allow reflection and response from local tribes to do

1:05:22

consideration of cestal Nest sites and to understand the requirements to leave Raptors undisturbed and take into

1:05:29

consideration the resounding feedback from your community as elected officials you serve the public the public does not

1:05:35

want this 400y old tree middle-aged for this species to be killed if it is

1:05:41

determined next year next decade or Next Century that the people want their elected officials to remove this tree

1:05:47

for the public good then it won't be too late to do so today however it is far too early Quebec and Jamestown were new

1:05:55

col when this tree sprouted the only people to have walked this land were those whose ancestors have been here

1:06:01

since time in Memorial rembrand and Siro de Bak were children the Ming Dynasty

1:06:06

ruled China and Europe was embroiled in a 30-year War given what this tree has survived and how short our time is in

1:06:14

comparison can you find it in yourselves to give this process this more time for due consideration that it deserves

1:06:21

please halt the planned cutting of the David merer Oak and allow time to consider alternative solutions for your

1:06:27

planned infrastructure improvements thank you thank you next

1:06:33

item hold on okay I do not see Walt Jorgenson on so I'm next going to go to

1:06:41

Christina

1:06:53

manetti are you there

1:07:05

hello can you hear me yes can you hear me he you yes this is Christina manadi um from

1:07:11

lwood and uh I'm here to ask you to

1:07:18

um so I've I've been CAU off

1:07:27

here we go I'm here to urge Mark I'm a historian and a critical area from what I've observed the city of Tam seems to

1:07:33

be ignorant

1:07:39

ofal facts as a result the city is acting in violation of the of fici and Wildlife

1:07:45

that are supposed to inform the city's policymaking it

1:08:05

yeah um you're breaking up is it possible you can submit your comments in

1:08:10

writing uh oh you can't hear me it it's breaking up ma'am uh oh okay I'll try to

1:08:19

uh connect on a different computer thank you next person okay I have a tikur

1:08:26

Dunlop and I have a James Dunlop before them but I don't I can't identify them online so I'm going to start with the

1:08:34

I'm not I know I'm not saying their name right but the last name is Dunlop oh hello can you hear me yes uh

1:08:41

I'm on the same internet connection as Christina manetti so hopefully I'm not breaking up as well um regarding the oak

1:08:50

uh it's incredibly disappointing to hear that uh you're planning on cutting it

1:08:55

down and uh I really want to urge you to reconsider um my name is toir Dunlop and

1:09:02

I live in Lakewood and for the last many years uh We've watched how the city has

1:09:09

completely disregarded the importance of these trees um let them be cut down left and

1:09:16

right and uh it's just being a hell just watching the way they've completely

1:09:22

mistreated these trees um and this whole time I've thought that just this was just a Lakewood problem and you know

1:09:28

maybe other cities might be better but to see that tum water is even even more

1:09:36

brashly disregarding the importance of Gary Oaks it's just uh really

1:09:41

disheartening like that that tree is is probably one of one of the most if

1:09:48

not the most um impressive Gary Oaks I've seen and uh to to cut it down just

1:09:55

the thinking that it's theoretically a risk to um traffic I mean every tree

1:10:02

drops branches occasionally while you want to cut down every single tree in the entire city you know that that tree

1:10:08

has been there for centuries uh it has a you know a connection to the native

1:10:14

people just to cut it down for for what it it doesn't make any sense

1:10:22

um please listen to what everybody's urg ing you don't cut it down it just

1:10:27

doesn't make any sense like if you cut it down now 10 people 10 years from now 20 years from now people are going to be

1:10:34

still remembering that tree and just thinking how much of a shame it was that uh it was cut down for for nothing so

1:10:42

please reconsider and uh that's about it uh thank you thank you next person now

1:10:49

I'll have baywolf Brower

1:10:56

hi there uh bolf Brower Olympia Washington well here we go again uh I'm

1:11:03

not going to grill you today on the quality of the risk assessment done on the tree legality of violating the

1:11:08

migratory bird treaty act or the associated RCW from state of Washington the want in violation Municipal Code or

1:11:15

the falsehoods perpetrated by certain city staff pursuant to this tree these points have been made and will be made

1:11:21

they're all demonstrably true they are also not the fault or the doing of this Council ladies and gentlemen of the

1:11:28

council I stand here once again to remind you are the legislative branch

1:11:33

the power to vote on actions and path laws and ordinances lies with you I plead to you now do not let the

1:11:40

Executive Branch the port or anyone else deprive you of your ability to represent your constituents tonight God willing

1:11:47

you will have the chance to allow this wrong to be writed listen to the citizens for they are loud listen to the

1:11:53

science for it is clear listen to your conscience for it is loud and clear all we seek is a second opinion

1:12:00

would you not Grant it for an elder of our nation as you've witnessed today or

1:12:05

yesterday rather a late season Windstorm came across to call you the other day dozens of trees fell across this County

1:12:12

as they always do from this Oak this alleged Hazard that scantly clings to stability if you are to believe the

1:12:18

report presented to the city not a single tree not a single twig fell from his wizened crown this tree cannot speak

1:12:26

in this defense but I postulate that it seeks to show what is enabled to say I

1:12:31

pray that you listen to it thank you for your time and keep up the good fight thank you next person the next to

1:12:39

speak will be Sue

1:12:48

Danver I'm going to pass at this time for the people in the audience I can

1:12:53

submit a written comment if I choose after tonight is that true oh you can

1:13:00

always just send comments okay

1:13:07

um yes um yes I'm gonna pass thank you thank you next

1:13:14

person excuse me excuse me

1:13:25

home in the comfort of my home and Tak some medication I need to know that all right

1:13:31

I'm I'm sorry I was not aware of your conditions so what I can do what I can

1:13:36

do is I can then go to you next right so um there this is more than

1:13:45

normal so I'm I'm sorry for the inconvenience and we

1:13:52

will We how many more do we have online

1:13:57

we have nine people left okay let us finish this so we make sure we do not miss anyone because sometimes going back

1:14:03

and forth someone gets missed so go ahead with the next person the next to

1:14:09

speak will be Steve

1:14:19

ericon mute are you there hear me now

1:14:27

can you hear me yes we can hear you okay Steve Ericson I live on Whidby Island

1:14:33

I'm a botanist and restoration ecologist and an activist you can act and I'm urging you

1:14:40

to do so to prevent that tree from being cut down what you do will reflect not only on you the individuals and members

1:14:48

of the council now but on the body of the city council for years to come I'm

1:14:54

going to tell you a story about something that happened in Oak Harbor on Whidby Island where I live there was a

1:15:00

large old oak tree near the post office about 350 years old there were concerns

1:15:06

about its condition it was a matter of public controversy the mayor and city council met in secret and they made

1:15:14

plans and they executed those plans they cut that tree down at 5:00 on a Sunday

1:15:21

morning so that the public would be totally taken by

1:15:26

surprise now if you let that tree get cut now what's it's going to reflect not

1:15:33

just on you but on the body of the city council for years to come even though when you're not there in Oak Harbor

1:15:39

people do not trust their city council now and it's been a decade totally different people totally different

1:15:47

mayor um now you've got a rogue mayor I'm just going to say it outright uh

1:15:54

mayor is ignoring federal law the migratory bird treaty Act is ignoring state law regarding historic and

1:16:01

archaeological resources is ignoring local law your own historic commission

1:16:06

refused to Grant a permit for this grant an exception and variance to allow the tree to be

1:16:12

removed this is the time for your in your public service when you have the opportunity to exercise oversight and

1:16:19

act in the greater public good the greater long-term public good your

1:16:24

mayor's attempting to evade the laws I mentioned before the reality is that after 5:00 tomorrow afternoon that tree

1:16:31

and the nesting Cals in it will be cut as fast as that mayor is able to uh

1:16:38

arrange basically on the Tre down it can't be stood back up again doesn't

1:16:44

matter if other arborists and opinions think that that tree could be saved doesn't matter what the laws are there's

1:16:52

no remedy the tree is gone the birds are gone and a significant portion of the

1:16:59

history of Tumwater of the history of the native peoples who lived it there uh

1:17:04

will be lost I'm going to just close and say I urge you to take whatever steps you need

1:17:12

to take tonight to prevent that tree from being cut down thank you thank

1:17:19

you no clapping please thank you

1:17:26

next person we'll have e h

1:17:36

h are you

1:17:49

there do you see them connected I I do but they're not a

1:17:55

muting uh can you please

1:18:09

unmute okay so we'll go to Mick miao all

1:18:17

right hi my name is Mick miio I live in Shelton Washington I am an arborist I've been

1:18:24

arborist for about 15 years I've been a certified Arborist for more than a

1:18:30

decade I'm also a certified tree risk assessor I would like to clarify

1:18:36

something about the Davis mikero that tree is not dying this is a

1:18:45

notion perpetuated by people that want to cut it down last Friday I went to court to

1:18:54

see the restraining order um Against The Cutting of the oak

1:19:01

be challenged where the council representing the parties wanting to cut

1:19:07

down the oak um perpetuated that notion which I um politely informed them that is not

1:19:15

the case they quoted uh the ARB report which I don't believe is saying that and

1:19:21

I would like somebody preferably the Council to hold these people accountable

1:19:28

for the misinformation that they're spreading if you go and stand under the tree you will see that it's in pretty

1:19:36

good health for being 400 years old on a personal

1:19:42

note um I was born in Poland and I came to this country to

1:19:49

live my American Dream which is being an arborist and that's why I came to the state of Washington

1:19:56

primarily for the trees and the beautiful nature um this tree being 400 years

1:20:03

old is a Heritage remnant of the time

1:20:09

where the air was pure you could drink the water from the rivers and the

1:20:16

streams and you know our ecosystem was was much better I can't quite call it an

1:20:22

old growth because um because of its Singularity doesn't fall under the definition of the

1:20:29

ecosystem um but you know it's equal to Doug Furs

1:20:35

that are 8 feet in diameter and are 400 years old uh or the Redwoods it's in that same

1:20:43

category as far as I'm concerned um and to say you know dropped

1:20:49

the branch which again another notion that's perpetuated that is that the branch fell into the lane L of traffic

1:20:56

uh which is not correct a part of the branch that fell ended up in that lane

1:21:01

uh how big I'm not sure but the majority of the branch fell under the tree uh where there's no targets right under the

1:21:08

tree that area is protected the targets are transitory um this is the process you

1:21:14

know identifying targets and and the possibility of harm uh that's the due

1:21:19

process that happens when we think about the sort of things three three minutes

1:21:25

thank you um for your time and again uh these trees are the L of of the

1:21:34

beautiful ecosystem we had and uh they should not be rushed in cutting down thank

1:21:39

you next person will be Danny

1:21:47

B hello you hear me yes we can hear you

1:21:52

all right thank you please not murder this tree so many of us are the town are

1:21:58

still unaware of the danger facing this icon which has been a picture of our community for much longer than anyone

1:22:03

alive today this tree was here long before our grandparents were born please do not come in quietly and take it down

1:22:10

without giving the people who love it more chances to speak in its defense and if it still must go a meaningful chance

1:22:16

to say goodbye before you remove it please do not kill it without first fighting to save it your Communications

1:22:22

with the public acknowledge that there are other options and local arborist specify how feasible these would be with

1:22:29

pruning and cables the risks which many arborist they were overstated to begin with could be mitigated the trees should

1:22:36

be cared for not killed Public Safety is always a concern but there are risks

1:22:41

everywhere in life every tree could potentially fall have you studied every other tree by every Road in t water with

1:22:48

the same degree of scrutiny what about the buildings on the historic register do they all align with current safety

1:22:54

cats it would be hypocritical to destroy this tree for it supposed it dangerous if other wrists are not receiving

1:23:00

similar attention as a lifelong resident of Western Washington I'm very familiar

1:23:06

with the danger of falling trees and I've even had some close calls

1:23:11

but I still love and value them even after one fell on my car the safest thing to do regarding

1:23:18

trees would be to cut down any that were within 100 yards of any path a person could ever conceivably cross with after

1:23:24

after all with our wind and our rain even the healthiest tree can be uprooted and fall across the road it happens

1:23:30

again and again but I have seen places like that places without trees and I

1:23:35

could never live in a plate so Barren we are not called The Evergreen State lightly our trees are part of our

1:23:42

identity and this tree is part of our community if you had a sick loved one

1:23:47

and there were solid treatment options available would you tell the doctor nah that sounds too expensive let's just get

1:23:53

this over with now because it seems like that's what we're doing here have we learned nothing from history how often have we suffered

1:24:00

because someone chose the option that was cheapap fast and easy rather than stopping to do their research and put forth a bit more effort this tree has a

1:24:08

long history of people investing in it time and again throughout the decades the people have spoken saying that this tree is important and that we should

1:24:14

protect it this was so important to us that it was even given special status to try to prevent it from being carelessly

1:24:20

destroyed this tree has survived countless earthquakes and storms and witnessed every milestone in our

1:24:26

nation's history as a teacher and a mother I find myself more and more understanding that

1:24:32

they're right when they say that we do not inherit the Earth from our ancestors we borrow it from our children they

1:24:37

cannot uncut that tree once it is gone it's gone how will our children's children judge your actions here will

1:24:44

they find a record of efforts being made to repair the tree and save it will they see that there was consensus in the

1:24:49

community about the need to cut it or will they only learn that despite controvery protest politicians use their

1:24:56

power to go against the will of the people thank you thank you next person I

1:25:01

have Jenna cook

1:25:08

Homan are you there yes go ahead we can hear you yes we can hear you okay I I

1:25:15

have a small statement um about the tree U I feel passionately about the tree

1:25:22

because I I happen to be just a stay-at-home mom I I drive by that tree

1:25:28

every day going to store and it resonates with me so passionately

1:25:34

because I'm a Native American woman and not many Native Americans have the

1:25:42

respect that people deserve to give in certain communities and so I feel very

1:25:49

passionate about the tree being cut down as such an awful terrible thing because

1:25:56

it it is just such a beautiful beautiful tree that has stood

1:26:02

the test of time through even my my ancestors so so I just simply wanted to

1:26:11

say that I am very against the tree being cut down and then I hope that

1:26:17

everybody can reconsider having to chop it down and

1:26:22

have that empty space of just making the road maybe bigger the airport bigger

1:26:28

there's a lot of things that you could make there but the tree could never be

1:26:34

there that's all I have to say thank you and now I have a Nicole

1:26:48

Mercier are you there yes I am can you hear me yes we can hear you go ahead I

1:26:54

do not have a lot to say um everyone has spoken and everything that people have

1:26:59

said is what what I feel um I spoke to the

1:27:05

um Department of uh fish and wildlife US Department of Fish and Wildlife today who is going to go over and uh do an

1:27:13

assessment of the situation with the kestrels uh I believe she's going on Thursday so uh hopefully the tree will

1:27:20

still be standing at that time uh but I just want to say that I'm vehemently

1:27:27

opposed to this I think that this is a hasty move it's a rush to do this for

1:27:35

whatever reason I can't imagine we had a huge Windstorm today nothing

1:27:40

fell nothing fell down and that should give you an idea of

1:27:47

how I can't I can't even find a word for this about how unfair it is to rush to do

1:27:56

this we need more information we need more assessment the assessments I read

1:28:02

all of them it it it is not it I don't believe

1:28:09

that it is a true assessment I I don't believe in what the person I can't

1:28:15

remember the guy's name but um I don't think that it was proper I don't think that it was correct and I I think that

1:28:23

we need more information and if it is really uh opposed for

1:28:30

uh someone's death then we would have to take it down but I don't think there's

1:28:35

evidence of that so um everyone else has spoken very eloquently and I would just

1:28:41

like to leave it at that so thank you very much thank you and that's it online great thank you

1:28:50

all right now I will move to those in council chambers uh the first person uh

1:28:55

and again come to the podium uh what's that did you need did you need to speak

1:29:03

first

1:29:11

ma'am okay so we'll go in order a sign up uh Pamela Hansen come to the

1:29:19

podium thank you mayor city council I'll keep this short pamel Hansen PO Box

1:29:25

14521 Tumwater Washington uh one I do not agree with cancellation of

1:29:32

the June 18th regular council meeting to the $1.7 million cost overrun of the

1:29:39

Capital Boulevard Trosper Road uh roundabout I do not agree with increasing staff's authority to pay that

1:29:46

it needs to be an open public meeting and review three I'm going to take you back

1:29:52

in time to mayor Ralph osgood's Administration some people know and some

1:29:58

people don't know that in the 1980s both Ralph Osgood and I reported to the comproller of the Department of Revenue

1:30:05

that is my connection with him along with testifying before he was mayor at

1:30:10

the first the very first comprehensive plan for the city of Tumwater um what I experienced when

1:30:18

mayor Ralph Osgood was mayor is his style when an issue was an important as

1:30:24

this it came to a full Council vote and his vote was part of that Council vote

1:30:31

not the all-important vote so I believe that this is a big

1:30:36

enough issue that that's what needs to happen with this issue after it is fully vetted um with the public and anyone

1:30:45

concerned number four this is the flyer that has been I I don't know when it was

1:30:52

created it doesn't have a date on it um the first picture it appears that part

1:30:58

of where the branch separated from the tree is bark and not rotted wood the

1:31:05

second picture it appears that the red line or widened Red Line um over shoots

1:31:14

the side of the tree so I consider that an exaggeration and on the back side where

1:31:21

it gives the crosssection of of the tree I believe that may be an exaggeration

1:31:28

because it yes has the x axis and yes it has the y- axis it does not have the Z

1:31:35

axis so how much of that is that a full three foot is it 4 foot is it two foot

1:31:42

is it a slice so the z-axis is missing on

1:31:47

that um number six I would like to verbally input the um press release of

1:31:56

June 3rd 2024 from the Davis Meer o.org

1:32:02

website I was at the court on Friday only I was not anywhere near what

1:32:09

happened Monday I think that's it's very well written I think that should be added into the record and lastly number

1:32:16

seven I would like added into the record the save the Davis Meer Gary Oak group leading multi-prong effort to save

1:32:23

historic Water Tree written by Jeffrey Westbrook of three minut thank

1:32:30

you the jolt uh Chris uh

1:32:42

celski do you have a Lori Weber um yes I do hold on just a sec

1:32:56

hello yes go ahead hello hello um yes my

1:33:02

name is Lori Weber I am speaking from Sur County Virginia I am uh was a resident of

1:33:12

Olympia and tat grew up there and went to high school there and remember this tree and have um been so moved by the

1:33:23

community efforts to save this tree I am a history teacher I teach the

1:33:29

history of America I live right across the river from Jamestown where our

1:33:35

country was established and I teach 400 years of history and this tree embodies

1:33:41

this and I remember growing up in Washington and feeling that there wasn't

1:33:48

much regard for history that people didn't care that much about history in Washington it was always about

1:33:54

progress new let's build something new let's develop something new and really that is what America has become I see it

1:34:01

growing around me I see it with um tearing down the old disregard for

1:34:09

history disregard for our environment and in our area it has to do with um the

1:34:14

expansion of industrial solar Farms but in this instance

1:34:20

it's about a story of about a community it's the story of the history of

1:34:26

Washington it's the story of people that came and settled there it's the story of the Native American tribes it's the

1:34:32

story of the environment and the animals that have lived there it is the story of

1:34:38

Washington and if we can't save this tree I don't even know what is important

1:34:43

with hist tree why do we save anything I just feel like it is crazy to me that

1:34:50

one tree is you are so intent on on

1:34:55

destroying one tree which this one tree embodies so much of the story of what

1:35:01

you are of all of you I look at you in Washington I think this is the story of who you all are so I would just ask that

1:35:08

you stop slow down take some time there is no rush on this tree it stood for 400

1:35:15

years you can wait a few more weeks months and think about what's happening

1:35:20

and for this Windstorm to happen and for the fact that this tree could stand so

1:35:26

tall and strong during it to me says volumes just I would ask you all to

1:35:32

exercise patience slow down in this process and

1:35:38

just listen to your community and think about this is your story is embodied in

1:35:43

this tree so that's all I have to say thank you so much thank you and thank you to all those who have raised

1:35:50

Awareness on this problem thank you Bor for listening do you do you have see anyone

1:35:57

else I do have somebody else that just registered for Debbie Bose hold on okay

1:36:03

go

1:36:09

ahead are you

1:36:19

there are they they're not muted are they unmuted uh I've asked them to

1:36:30

unmute okay we can come back and check

1:36:36

later uh now we'll go to encoun Chambers Chris

1:36:43

celski Kowski come and state your name and your address for the

1:36:50

record good evening my name is Chris kowsky and I live at 908 Delta Lane in

1:36:56

tomw I've lived in tomw marer since the 90s and raised three children here and I'm going to talk fast I have a lot to

1:37:02

say I'm also an environmental planner and a member of the American Planning Association and aicp certified and as

1:37:09

such the principles of my profession compel me to speak out against the decision by this mayor to exercise

1:37:16

administrative Authority and cut down the Davis maker Oak this tree means a

1:37:22

lot to me others here will remind you of its age the meaning to our native peoples and the part of the history of

1:37:28

the Oregon Trail they'll tell you of its beauty and how it Sheltering federally protected Wildlife but when I drive past

1:37:35

that tree the road makes a jog around it and I see something else I see how my

1:37:40

government this government balances the needs of Modern Life with the desire to

1:37:45

preserve Our Heritage the little jog tells me Tom water is a good place to live have Vision it's our city

1:37:53

government's responsibility to figure out how tum water will fill it into an economy where unique experiences are

1:37:59

highly valued this tree can be cherished for its place in our history and play a role in our future we need time to find

1:38:07

inspiration to identify and explore creative Alternatives reduce risk our

1:38:12

mayor tells us that this tree is not safe and that if it fails then the consequences would be dire I remind this

1:38:18

body that life is risky business we assume risk every day why is the only

1:38:23

only option the irrevocable death of this tree's life what about pruning how

1:38:29

about moving the road how about thinking about real solutions Optics hey people

1:38:36

this looks bad the appeal of our temporary restraining order the rush toward demolition there is talk in our

1:38:43

community of hidden agendas back room politics and secret Partnerships this is is this what you promised us when you

1:38:50

campaigned for office the Press is here this this looks bad public engagement

1:38:56

after Staffing many public meetings over the years I am very aware that each person that attends a meeting or gives a

1:39:03

comment is standing for hundreds who don't have the time don't understand the process or feel their voices not matter

1:39:11

council members look at the people in this room listen as they share what they

1:39:18

value the simple truth is policy is made by those who show up and we are here how

1:39:25

many people usually attend a council meeting you didn't even have enough chairs how much interest is there in

1:39:31

ongoing City business how you handle this challenge will show exactly how the

1:39:39

this city values its public engagement instead of hiring lawyers you need to

1:39:45

hire a facilitator bring all the interested parties together officials city planners scientists arborists

1:39:51

tribes wildlife a rep rep biologist and work toward Compromise take action only

1:39:59

when you show proper permits are in hand and you have Buy in by stakeholders it's not too late the tree still stands we

1:40:06

need action by this councils the leader in this room override the mayor's

1:40:11

decision Embrace public comment in place Embrace public engagement I'm sorry I

1:40:18

can't talk fast enough but I'm going to submit this in writing so you can read exactly what what I had to say thank you

1:40:26

uh Tisha

1:40:33

Smith Sasha Smith I'm from Olympia I work in tat I just want to thank

1:40:39

everyone from coming out I just want to get together and have a conversation with all of you guys I think that you'd

1:40:44

have a lot to say about our community um you know and a lot to just say about how

1:40:49

you feel about the tree and about the castels which is what why I'm here so thank you for listening to all of us I I

1:40:56

do want to say that the makes me cry because I think about my kids we love birds and they know about the migratory

1:41:03

bird treaty act I didn't and I'm in my 40s I didn't but they did um and they do

1:41:09

know that the whole thing started as a collaboration between America and Canada

1:41:14

and protecting these birds that were coming back and forth and it's just such a a beautiful history there that this

1:41:20

working together and so the Cals are in the Falcon family

1:41:26

in the migratory bird treat act and they are protected and it's not just from

1:41:31

hunting there's a whole list of things that they're protected from really it's just saying anything you could possibly

1:41:37

do I'm surprised they don't have something saying shoot it out of the tree with a rock as a kid they're just protected and I'm just asking you give

1:41:45

them time if let those birds grow let them move we're humans we can keep

1:41:51

talking but please just don't cut it down so that those words in that Nest come down I'm asking thank you thank you

1:42:00

uh Ray

1:42:13

Leon uh you can just hand them to the clerk and they she can pass them out no to down them to the city administrator

1:42:33

name and address for the record R Leon f226 Cedar Flats Road

1:42:43

Olympia um talking about the Davis maker Oak that it is a extremely rare remnant

1:42:50

of the oak Savannah that existed basically from all of Western Washington all the

1:42:58

way down into Western Oregon um in it age class in western Washington there

1:43:04

are less than 20 of them and to think that we're considering removing that

1:43:11

specimen without further assessment is

1:43:17

um not being mindful of the the uniqueness of that

1:43:22

specimen it's Irreplaceable that was living in a time when this was a a

1:43:28

grassland Douglas fur trees only existed in that soil type the Douglas fur would

1:43:35

have only existed around the the creeks in the

1:43:41

rivers when talking about the the assessment that was done um the

1:43:48

Sonic tomography you only see one image of the Sonic tomography that was done at the base portion of the tree

1:43:56

um that need personally I think that this we

1:44:02

need to be amicable that the city of tum water needs to be looked at we between the

1:44:08

public and the city we need to be coming out of this looking

1:44:13

positively um I'm as a scientist I look at the Sonic tomography is a great way

1:44:20

of measuring the tree looking at it only at the base is inappropriate that that

1:44:26

analysis needs to have been done multiple times and up throughout the

1:44:31

entire canopy um they would call it an an aerial analysis um that was not done

1:44:38

they they used the rubber mallet and used sound sounding technique and by hitting the trunk of the tree and

1:44:45

listening and trying to imagine how hollow it was and it was completely based on

1:44:50

interpretation inappropriate um so and then they drew this red line

1:44:56

on the tree imagining that they were correct so that is inaccurate and I I

1:45:01

would not use anybody that was trying to use that type of uh Health analysis on me I'd go to a different doctor and that

1:45:08

we're using that lot Public funds to pay for that inappropriate and I'm so an independent

1:45:15

thirdparty analysis is is needed at this time in order for the public to have an

1:45:21

appreciation for the city of tumat so that is where I would believe

1:45:27

and so so let's ask for respect for the Public's time and for future respect for

1:45:33

the city of Tumwater thank you thank you uh Margaret

1:45:46

oconor I I think there was a question about the signup sheet

1:45:53

I think if I'm sure there's other people that came in after sign up sheet I will double check and make sure that everyone

1:45:59

has an opportunity to speak so just because you didn't sign up does not mean

1:46:05

you have not had the opportunity so we will follow

1:46:10

up so I'm my name is Margaret o Conor I

1:46:15

come from planet Earth I'm here to talk about a middle-aged 400y old historic tree for

1:46:23

one thing there's fundraising going on for a bunch of lawyers on both sides and

1:46:28

taxpayer money and I don't see why that isn't devoted to actually caring for

1:46:34

this tree now this I read on the website this Tumwater website the City Arborist has

1:46:41

overseen the care of this tree for 27 years and according to you the city uh I

1:46:49

believe then I would say he's failed um yet you listen to

1:46:54

him um roads can be moved in fact this road needs to be moved anyway uh this

1:47:03

tree needs help there are physical supports for large trees trees involving

1:47:10

corales cevers guy wires stations there are these people

1:47:17

called engineers and they know how to do that um

1:47:23

now mayor I have read where you said that you don't want to have to face the family of someone

1:47:30

who uh who runs into a traffic accident

1:47:36

with a branch coming down from this tree um one answer to alleviate that

1:47:43

situation to to relieve that from you is that you can

1:47:49

step down and you will not be in control of the situation and not

1:47:54

responsible lastly even I know that this tree the ground and the tree are on the

1:48:01

cetz trail it's a site of burials for both the native people and those who

1:48:08

came after a lot of Travelers and um this tree chose also to

1:48:15

spall off a branch which apparently is known as a hanging branch

1:48:23

where a lot of Native Americans lost their lives

1:48:30

um I urge the city to leave this tree

1:48:36

and the Heritage and everything it stands for and that we help this tree go

1:48:42

forward another 400 years and do something for the future

1:48:48

generations and move the road thank thank you um Mark

1:48:59

Fleming hi Mark Fleming I live in Olympia and I want want to say don't cut

1:49:04

the tree down if it's a risk mitigate it evaluate it and find ways to do it as m

1:49:09

o Conor just said you have Engineers you have great deal of expertise available and taking the time to say thoroughly

1:49:17

evaluate whatever risk a 400y old tree presents is a good way to preserve Our Heritage and culture and I strongly urge

1:49:23

you to do so thank you Bev

1:49:42

Basset my name is Bev or Beverly Basset and I live at 1218 Mary in uh

1:49:51

Street in Olympia and I'm here to say that the

1:49:58

Deep irony of this whole evening was that we spent 45 minutes being informed

1:50:07

about the open public meetings act and

1:50:14

that we have you know we we have come so

1:50:20

far from the 1970s when those laws were written by

1:50:28

well-intentioned people who didn't have hidden agendas and who really expected

1:50:35

the government to act in the best interest of the

1:50:41

citizens but we've come here we are it's 2024 and our democracy is shot to hell

1:50:50

and we're we're looking down the barrel of of loss of what little democracy we

1:50:59

have and I have watched this city or this County I've

1:51:06

watched the the port of Olympia I went to Port of Olympia meetings for four

1:51:12

years I hardly missed a one I learned how

1:51:18

corrupt they are they are so deeply corrupt it made me so sick I had to stop

1:51:26

going in 2017 because I was scared that the

1:51:32

passion I felt towards these people who are acting in my worst interest can you

1:51:40

let me calm down I'm trying uh that I was you

1:51:49

know I don't I don't believe from moment that this tree is being cut down for

1:51:56

safety I know good and well that it's to expand the airport and I know that

1:52:02

you're just checking off the boxes and that you'll let all of us come and talk

1:52:08

and you'll ignore us every word we say and cut that tree down on Thursday and

1:52:16

it won't make a bit of difference because our democracy is so So Gone and

1:52:24

the way you're acting mayor s Sullivan to to get this tree cut down so you can

1:52:32

expand the airport well we're wise to you we know what you're up to thank you

1:52:41

Chad Kramer your pass okay uh Eric John

1:52:47

Johansson

1:52:59

good evening thank you for the opportunity to visit that up a little bit of uh my name is Eric Johansson uh

1:53:06

live in Tumwater Tumwater Hill Neighborhood um brought this

1:53:12

specifically um because there's actually a couple of Gary oos on city property

1:53:20

there's one off of 79th that I'm familiar with and then there's the famous one that we're

1:53:25

talking about tonight the one off of 79th at the old Trails End property

1:53:30

apparently somebody loves that tree because that one is going to be protected and uh not so much with the

1:53:39

Davis maker Gary Oak um it seems a little bit odd to me um

1:53:49

you guys were dealt a bad Hand by doot when they put the road in they put it in

1:53:55

too close to the tree move the road that mitigates the risk it's doable

1:54:02

and you have to redo your road anyway it's in the plan fence it off if you need to this is

1:54:11

fixable this is totally fixable and I would really like the city of tumat to

1:54:16

put as much effort into protecting this tree as they put into protecting a brew

1:54:22

house The Brew House is great right 100 years old when that

1:54:28

tree was growing my ancestors were in Europe that's been a long time

1:54:37

ago thank you thank you Cindy Cooper

1:54:54

good evening council members I'm Cindy Cooper I'm a 13-year resident of Tumwater um I live on Tumwater Hill on

1:55:00

ebot's drive I'm also a 22-year veteran of the wsda the

1:55:06

Washington State Department of Agriculture um I'm speaking in support of retaining the Gary maker Oak and I

1:55:14

urge you to reconsider your decision to take it down you've heard a lot of good

1:55:19

expert comments tonight um I'm not going to reiterate any of that but just want

1:55:25

to point out that this is one of only 14 native Oaks on city property you did a

1:55:30

survey of the city trees and um the folks that did that survey pointed out

1:55:37

the importance of increasing the diversity of species upon city property

1:55:44

um by removing this tree you're not supporting that at all

1:55:49

um and you know we have lots of great heritage Pro projects in the city of tat

1:55:56

for instance the brew house um lots of restoration going on for different projects why can this tree not be um

1:56:04

another opportunity for a great Community project to you know Express

1:56:09

the history and the love of our Our Heritage around that

1:56:15

tree as a horticulturist I also want to point out that um I've heard two people

1:56:21

comment that there were some seedlings and cuting taken from this tree so that

1:56:27

when it is cut down there would be seedling progeny um I don't believe that

1:56:33

that's being handled well at all I think the seedlings should be put in the hands of experts rather than um the folks that

1:56:41

they're supposedly taking care of those now we have a wonderful um Oak

1:56:48

propagator very close by that could handle these seedlings for us that's

1:56:54

Burnt Ridge Nursery in um on Alaska he's an expert Oak grower um one of the best

1:57:01

in the country so I'd urge you to handle those seedlings well

1:57:06

please also wanted to comment that um at your May 14th meeting there was a

1:57:12

promise that there would be a survey handed out to the public for their

1:57:17

collection of comments on um what to do with the wood from this tree when it was put

1:57:23

down and um I want to know if you're going to provide that

1:57:28

survey where we can find that survey is it going to be given to people before this tree is

1:57:33

removed um I think that's rather important so I'll I'll cut it short just

1:57:39

to say please reconsider your decision there are other options thank you thank

1:57:44

you um I'm trying to read the last name so it's s Sandy Sandia sby

1:57:52

I'm sorry if I mispronounced your name that's okay it's done all the time uh my name is sorry my name is Sandia slavey

1:58:01

and I am um a resident of Olympia live on Legion Street Legion Way um I am left

1:58:09

just incredibly baffled um by this whole event in the

1:58:15

last let's say couple weeks hearing how that how short a Time some of the

1:58:22

aspects have been happening and how long a time this has been moving forward

1:58:27

without notice to either the public or the native tribes Etc um I want to be

1:58:35

respectful of you all as a body and to in individuals um that's a challenging

1:58:43

thing for my for me and my nature I'm very angry

1:58:49

and I could be really inappropriate I should say I I struggle to be

1:58:55

inappropriate I I struggle to be appropriate um but I am really baffled

1:59:01

and what I'm left with is wondering who is it you're listening to

1:59:07

I know we're supposed to speak to the whole um body but it's clear who you're not listening to you're not listening to

1:59:15

your city laws your state laws or your federal

1:59:20

laws and we had a huge lesson this week that there is nobody that's above the law in

1:59:28

this country as a body I hope that you will take all these statements some of

1:59:34

them being um genuinely more

1:59:39

respectful [Music] um from genu genuinely more respectful

1:59:47

individuals um than myself um but when authority figures do this

1:59:54

kind of thing without total transparency especially with the irony of the the little

2:00:01

tutorial we got about open meetings and um is that's like bizarre um

2:00:09

um I can't I came wondering what has happened in secrecy or over the years or

2:00:15

whatever I don't know of course um but I'm left wondering um but I feel whenever I come

2:00:23

to City Council meetings about important things where decisions have been made and you all hold open meetings because

2:00:31

you know you have to I feel like we're graveling and I don't want to feel all

2:00:36

that I want to feel like I'm being invited to engage and that you all are genuinely

2:00:45

listening it's hard to believe that but I want to so I hope you will listen I

2:00:51

hope you will reconsider I hope you will give more time I hope this tree is able

2:00:57

to stay with us and we and stay in on Earth longer than us and I hope that

2:01:03

you'll move the damn road thank you instead of the tree Katrina

2:01:19

Simmons good evening U my name is Kina Simons uh I'm currently an unincorporated County resident um but

2:01:26

when I was growing up my dad had a house on X Street and my former wicked stepmother still has a house on uh

2:01:34

Henderson Boulevard that I make gestures to every time I drive by um so I grew up

2:01:42

here this Feels Like Home to me we roamed a lot on uh we had horses we were

2:01:48

at trails end like this area is home so while I lived in other places uh in the

2:01:55

military this is home um my military service let me live in Germany for four years and spent a year in Iraq and those

2:02:02

are places with a lot of history and we see a lot of architecture and people go there to see the buildings that are 500

2:02:10

years old a thousand years old 2,000 years old they don't come to

2:02:15

see natural beauty that's what people come to America for because we tear

2:02:21

everything down that is old um living in Europe really taught me what a young

2:02:28

country we are um and so I guess while maybe some

2:02:34

members um of the city council might see this as just a single

2:02:40

tree I feel like this is emblematic of America's tendency to tear down anything

2:02:48

that is old and not value history and not see the breath this tree predates

2:02:53

European colonization of this continent it shares its history with our local tribal Nations it's seen Wilderness and

2:03:00

War and drought and industry it's not dead you can tell that they're it's living with the leaves it has animals

2:03:08

subject to the migratory bird treaty act living in it there's it's survived our

2:03:13

Winters it's it's lived through so much it's on our historic register for a

2:03:20

reason um and just like we lose our history by

2:03:25

tearing down the buildings we lose our history by tearing down things like this too

2:03:32

there are other options um I think the public would be a lot happier with an

2:03:39

independent um analysis and mitigation options the way

2:03:46

this has gone down has not uh fostered Trust in the city council or your

2:03:53

process or in some cases your motivations um it's

2:03:59

just really destroying the trust of the community at the same time as you're

2:04:05

just wanting to destroy the history uh the Gary Oak is the only Oak that's native to our area um we need species

2:04:14

diversity in in this time our children are growing up and they need to have a

2:04:20

livable Earth minutes yes um just because a tree can't scream it doesn't mean it's any less of a death if you cut

2:04:27

it down um so if there are ways to preserve it we really urge you to

2:04:33

preserve it thank you thank you uh Ariana

2:04:48

Simons hi my name is Ari on assignment and I currently live in unincorporated

2:04:54

thirsting County I 11 years old and even I know

2:05:01

that that tree is very important to so many people I really do believe that

2:05:06

that tree can be saved and I want it to be saved my friends and I many times

2:05:12

have discussed that we want that tree there we know that it's

2:05:18

salvable we believe that it's truly alive we don't think we should need to shout

2:05:25

to be heard you have said that you don't want to look in the eyes sorry I'm

2:05:32

stuttering of someone who has lost someone in a car accident because of that tree I also

2:05:39

believe that you could not look me in the eyes and

2:05:44

say I am going to disregard what you are saying and I am going to chop down a

2:05:50

historical tree a piece of living history I need you to

2:05:57

listen I need you to respect everyone who is here in their wishes for this

2:06:02

tree this tree is important it's living and I do not believe sorry great

2:06:11

and I think that if you cut down this tree I will never be able to trust you

2:06:19

and I don't believe and I know that if I can't trust city

2:06:26

council to make good decisions I don't know what kind of

2:06:31

decisions they'll make I don't know if they'll make decisions that will hurt

2:06:37

people and that makes me feel incredibly unsafe so I urge you to reconsider your

2:06:45

decisions about this treat I encourage you to save it and I encourage you to

2:06:50

listen to everybody body thank you thank you uh I understand but no clapping

2:06:59

please Terry

2:07:08

Graves do we have a Terry Graves here oh okay sorry

2:07:25

my name is Terry Graves I'm ket's Indian tribe that trail belongs to my

2:07:31

grandfather so first I want to acknowledge that you guys haven't done a land acknowledgement to honor the people

2:07:38

of this land all other cities County governments do a land acknowledgement

2:07:44

slap in the face thanks very much so welcome to my homelands welcome to

2:07:49

Washington we have trees the wind go trees come down call 911 fire Cubs cuts

2:07:55

it moves it out of the road it happens it happens so if you're so concerned

2:08:00

about this move the road uh so as my grandfather Roy would say you are guest on our

2:08:08

land uh TR the K Trail has been our Highway of commer since time in Memorial

2:08:14

my great grandfather the chief of chiefs Chiefs skena controlled the trade routes from

2:08:21

what is now Canada all the way to the big Waters of the Columbia River until

2:08:27

his death in 1827 my grandfather's skena and the

2:08:33

Seven Generations previous to him and the Seven Generations after him have traveled that ket's trail have passed

2:08:40

that grandmother tree our people stopped for shade and rest as it was used as a

2:08:46

marker tree within a large area of grasslands this grandmother Oak has

2:08:51

guided me many of my tribal relations we touch her we offer her prayers we sang

2:08:56

to her we gift her we thank her for her guidance we believe everything has

2:09:01

Spirit she is a beautiful living being who do you think you are to take such a

2:09:10

life many burials have had a uh we have planted trees to Mark the burial site my

2:09:18

my Homestead on Fort Lewis has oak trees at the grave site heads I tend to look

2:09:24

at the non-native relations here on the indigenous land you drink the same water

2:09:30

my ancestors drank you eat the food off this land you fish in our Rivers you carry

2:09:38

some of the land and water and animal DNA of this land and with that you have a

2:09:45

responsibility to this land this water and this grandmother o

2:09:53

and this is all for a buck um so have you heard of the Centennial Accord you should probably

2:10:00

educate yourself on it I was hoping the Attorney General jonan would like stay and educate you about it I have

2:10:06

contacted Ferguson to try to educate you about the cord you have not consulted

2:10:12

any of the tribes in this area um so I'm going to say learn about

2:10:17

it and abide by it move the road protect my my plant relations and the winged

2:10:23

relations that are living within it we're about to lose them thank you for time thank

2:10:30

you uh Greg uh L Lamar Grove I'm sorry

2:10:35

if I messed up the middle

2:10:42

name I just couldn't read the writing I'm sorry

2:10:52

first time here thank you Council people mayor oh sorry let me use my long housee

2:11:00

voice for you uh from the mouth of your own babes

2:11:07

huh those are your children talking to

2:11:12

you I am a member of the Callis Indian tribe I come from lusian Kian

2:11:18

family I uh I live down in chahalis now I was going

2:11:24

to tell you I live in America it's okay and tell you that uh

2:11:30

you don't seem to understand our history so I'm going to try to help you out a little bit that trail is Terry referred

2:11:38

to has been there for a long long time it was our trail of Commerce it was our

2:11:45

trail of trade it still is eight years ago three of us men

2:11:51

and I'm an older guy now but it was kind of tough but we walked that trail we took five days from the kit

2:11:59

River slept by the road my brother Randy cotton Weare I went home he slept by the

2:12:06

road point is is we touched all of those places that we were told about by our

2:12:12

elders and now I'm an older man we stopped by that tree and we

2:12:18

remembered we remembered that it's a mark for us it points a

2:12:26

direction archaeology and anthropology issues need to be

2:12:32

addressed you as a council I believe are supposed to be in

2:12:38

consultation with the tribes that that tree has an effect upon talking to you

2:12:44

about the trade routes five of our tribes here in this area always traded and always married that would be the

2:12:51

kots the chahalis squa Nali and

2:12:58

P all five of those tribes have an interest in that

2:13:03

trail we took our horses when we had them we drug our dugouts up to the falls

2:13:09

we there with our relations of squali we fished many of you probably don't even

2:13:15

know that there's an old Camp right there where the creek comes

2:13:20

down it's our it's our history it's who we are it's how we identify ourselves

2:13:25

upon the land different than the modern society but just because we live in a

2:13:30

modern society doesn't mean that we don't remember that stuff I would hate to be in the middle of a

2:13:37

lawsuit with the city of Tumwater because you know Fally recognized tribes

2:13:42

have standing and you also have to know that individual fically recognized Indians have standing I have standing in

2:13:50

court to address you you really need to do the consultation part that tree that

2:13:58

tree is way past important thank you for the three minutes thank you I've got a lot more to say but maybe another time

2:14:04

thank you um I'm sorry I I'm sorry I can't I'm

2:14:12

having trouble reading this name is it Derek l lcia i I'm sorry I can't read it

2:14:21

very well is it's at 1396 89th Street 89th

2:14:31

Avenue okay sorry I could not read the writing I

2:14:38

apologize mayor council members can you move towards the microphone

2:14:44

please I have to use my command voice I guess I know but we can't hear the recording honorable mayor May council

2:14:53

members and honorable

2:15:00

citizens there's so much I could say I'm kind of like a village idiot I'm a

2:15:05

retired lieutenant colonel and I have the highest honor that that guard had

2:15:11

offer but that doesn't make me a bit better any of you and so just bear with some of the

2:15:19

ugliness I have to say regarding trust in the tumat city council this is not directed at any of

2:15:26

you individually but at the the concept at the council as it has happened I have

2:15:34

uh at risk of alienating anyone I'll first state two situations that impacted

2:15:39

me regarding the faith in the concept of our city council I can say not not

2:15:45

directed at any of the individuals on one occasion that I needed assistance from the some water police in a domestic

2:15:53

situation I was required to call at least three times before they responded and when they did one of the officers

2:15:59

threatened me with being shot for attempting to get a pack of cigarettes out of my pocket on another occasion involving the

2:16:06

Tom city council they levied the fine the

2:16:13

$110,000 to a family next door for having a rooster with their flockers

2:16:22

only reason I mentioned this is to show that at some time this Council didn't use very much common

2:16:29

sense and now I don't know that they can grasp the

2:16:36

concept of sacred and I value what previous people

2:16:42

have spoken of sacred is a non-tangible concept that can't be touched

2:16:48

physically but it is a phen phenomena that we all readily perceive

2:16:56

including this Council that tree is

2:17:04

sacred treated as such you will gain

2:17:10

Faith by saving that tree you will lose

2:17:17

Faith by cutting it down and you will gain face by changing your decision to

2:17:24

cut that tree down and face is the most important thing that you all can hold on

2:17:32

to thank you thank thank

2:17:39

you Sharon um NRA I'm sorry I cannot read the last

2:17:48

name Sharon um uh it might be yes on Tully

2:17:53

Road

2:18:03

y thank you Sharon C out in the county and Tilly Road as public opinion grows

2:18:09

against the mayor's continued refusal to change your arbitrary decision to kill the oak tree as soon as possible I can't

2:18:16

help but wonder how she could be so set on this course as to not just say logically okay I'll give you other

2:18:23

arborist a chance to prove you can make the tree safe let's pause and have you prune and Brace the tree if you can make

2:18:29

it safe even just for now we can at least avoid killing the birds and breaking the law

2:18:35

and and save some birds nesting in the tree and then we can revisit this it's

2:18:40

especially odd that there's no compromise offer at all from the mayor when she must realize that a recall

2:18:45

campaign is obviously coming very soon if she goes ahead with this plan there truly is no logical reason for holding

2:18:52

on to such an unpopular position and refusing to even consider the offered and easy solutions the panic over Public

2:18:59

Safety I'm sorry it no offense meant but it doesn't seem entirely genuine because

2:19:05

if it were we'd have heard about the danger soon after the branch fell not months many months later so it leaves

2:19:12

many of us wondering what's behind this attempt to break to break a LGH held pledge often affirmed in many official

2:19:19

Tumwater documents pledge that the tree will be protected that pledge is even stated in the current Tumwater Highway

2:19:26

Corridor study about widening the road so that's one behind the-scenes story and I guess possible motive that maybe

2:19:33

we're just not hearing much about the other involves the port of Tacoma I mean sorry Port of Olympia where Lisa Parks

2:19:40

used to work and their plan which will at least be partially revealed this summer to enlarge the airport the tree

2:19:47

would have to go for that purpose for that to happen and if it does frankly I

2:19:52

wouldn't be too surprised if our other historic impediment to airport enlargement when you read their documents you'll see the um adjacent

2:20:00

Washington State Patrol Hangar which is historic also but it would be found

2:20:05

suddenly to be a safety hazard or something I suspect and if this sounds wildly conspiratorial and it might to

2:20:13

some of you there are documents with facts that make it all quite posible plausible so let's have some comment

2:20:20

sense here stop at the killing of the tree and the birds for now and remember the birds being there makes the killing

2:20:27

illegal so there's no losing face by pushing the pause button tumat has nothing to do to lose rather by doing so

2:20:36

unless you were party to some sort of secret part some sort of secret plan or agreement and I hope you're not it does

2:20:43

sound plausible to me however if not let's get busy letting the experts try to make this historic iconic tree safe

2:20:51

this sacred tree as many have pointed out perhaps to live another hundred years at least thank you thank you um

2:21:00

Mike kruin runell

2:21:08

okay uh estd strum

2:21:21

just going to be really quick because everybody said everything that has been said it's a beautiful tree I live at

2:21:28

Scott Lake I drive by that tree every day I'm not from here I'm from the desert I'm from New Mexico and I know

2:21:36

what these trees mean to these people when you see these trees in the desert for the natives they need these trees

2:21:42

these trees mean everything to the people that came before us they mean

2:21:48

these trees mean everything to us when we drive by them we can move the road a

2:21:53

road is easy to move a tree that falls that everybody wants to see up everybody's here for this tree this one

2:22:01

little tree I don't know what else to say that everybody else has already said except

2:22:08

that this community wants this tree here and they were willing to drive around

2:22:14

the road they're willing to put up with road traffic to if you have to move the

2:22:19

road to save the tree trees are going to fall they all fall I live in a forest my trees fall all the time but let the tree

2:22:27

fall on its own I don't think the assessment's been done a lot done done well enough I don't understand why it

2:22:34

has to be tomorrow why can't there be further evaluations on this

2:22:40

tree it f a limb fell October 203 2023 and less than six months we're

2:22:46

going to cut it down why can't we just evaluate just a little bit longer and that's all I have to say thank you thank

2:22:54

you sue

2:23:04

Caro thank you Su Sora Olympia Harrison AV and what a beautiful Community

2:23:10

turnout I just want to thank everybody including the council once again for making space for this thank you for

2:23:17

hearing us and I I know we can't make noise but I think we can go like this so

2:23:23

how many people are here for the tree tonight thank

2:23:30

you I reside in Olympia but I work in tum water passing this tree six times a

2:23:37

week and each time I say hello beautiful I honor your

2:23:45

Grandeur this is a difficult issue and I respect that I have compassion for each

2:23:52

of you council members each of you I see that you're

2:23:57

trying and doing your best to navigate a unique and

2:24:03

unprecedented situation for Tom water I heard you say in the last council meeting that you've never dealt with

2:24:09

this before it's a first and it's hard and I appreciate

2:24:16

that thank you for taking the extra time for this discussion in this issue when I

2:24:22

ask when did this problem start you one of the rules of problem solving is

2:24:29

identify the problem when did it start I have limited knowledge compared to you

2:24:34

all but in from my view it started when there were no guidelines as you all have said before unprecedented you didn't

2:24:41

have any rules to follow and when there were no guidelines we kind of went

2:24:48

sideways when it comes to know to how to make decisions for this special tree we

2:24:54

need special guidelines it's not just any tree as you know it's a sacred

2:25:00

tree this tree is one of a kind a first for tum water both a tree and a Historic

2:25:09

Landmark that's incredible I'm sorry there weren't better guidelines for you in dealing

2:25:16

with this it's not too late to create those gu guidelines for not only this

2:25:23

situation but also so it's clear for next time it may occur other cities have done this same

2:25:30

thing with similar trees so you would not have to start from scratch you don't

2:25:35

have to invent the wheel just look to the other cities in our Even in our state we just copy

2:25:42

them I continue to have faith in your leadership to guide us all of you to

2:25:48

guide us through this together to find a way to save this tree and

2:25:53

provide Public Safety this tree is a special tree that needs special experts on Heritage tree

2:26:02

preservation the only company with this expertise is tree

2:26:08

Solutions the company name is tree Solutions thank you red flag one last sentence will you give them a chance

2:26:16

give tree Solutions a chance to help us create a path forward thank you uh Jeff

2:26:35

Foster my name is Jeff Foster I live at 3104 59 spt Southeast in

2:26:42

Olympia and until I retired a few years ago I was an ecologist working in the

2:26:47

forestry program at Joint Base Lewis McCord over the course of 24 years I had the

2:26:53

opportunity to observe and to measure thousands of Oaks because I think we

2:27:00

have more parcus gerana on the Joint Base than anywhere else in Washington

2:27:06

and we have some really big and impressive trees there but uh I attended the rally at the

2:27:16

Davis Miko I think it was a couple weekends ago and the more time I I spent

2:27:21

observing and walking around it the more impressed I was it has a larger diameter

2:27:26

it's taller and probably older than any Oak I ever saw on the Joint

2:27:32

Base and it certainly had a lot of history as an ecologist I'm used to

2:27:37

trying to decipher what's happened over the lifetime of a tree I had a couple of regrets while I

2:27:44

was there one was knowing that the tree might be cut down soon and the other um was that there it

2:27:54

was between an airport hanger and a pave Road was originally it was growing out

2:27:59

in Native Prairie uh next to an Historic

2:28:04

Trail and I've spent a lot of time in Native prairies and trying to preserve them too both on and off the base so the

2:28:13

context the tree has been lost but we can still remember that this is a unique

2:28:19

tree there's just nothing like it anywhere around here and I don't think you want

2:28:25

to make a hasty decision on this take your time do it right by the way I

2:28:30

talked to an arborist there at the rally and he said that he and some other arborists felt

2:28:36

that there had been an overestimation of the amount of decay in the tree and the branch that had fallen last

2:28:43

October uh he had cut out a cross-section from it just close to where it attached to the main trunk and

2:28:49

it was there the rally showed it to me there was no rod in that cross-section and I just tried to do a

2:28:56

rough count of the annual growth rings on it the branch alone 150 years old

2:29:04

approximately so thanks for this opportunity to have this input thank you

2:29:11

uh Deborah jaqua thank you

2:29:23

thank you council members um my name is uh Deborah jaqua and I live um

2:29:29

in in un unincorporated Thon County um

2:29:35

I'm I Echo all the statements that have been made to save this oak tree and I

2:29:43

really I really hope that each and every one of you listen

2:29:50

listen to what people are are are expressing about this tree it's important and we're just we're

2:29:58

just a drop in the bucket of the people that really care about this tree someone said that it's sacred it is please keep

2:30:07

that in mind save the tree thank you thank you Sarah Stewart

2:30:20

hi Sarah Stewart I live in tanino and anytime I need milk I drive

2:30:26

past the tree uh I'm G to try to stay organized

2:30:31

since I have not very much time I want to First speak to everybody the entire

2:30:36

Council uh all of the behind the scenes people and everybody here and everybody

2:30:42

who has shown Support over the last months really uh but recently you know

2:30:49

it's really incredible um sorry I wear my emotions on my sleeve

2:30:57

um uh but I really it is very ironic the the training that took place that we all

2:31:04

got to endure um I I uh I I am glad for that um uh but

2:31:14

in light of that I think I need to to say that

2:31:21

um you know everybody is here to be heard and to communicate with all of you

2:31:27

how not only we feel uh mostly how we feel though um but um just the amount of

2:31:35

knowledge that I have gained uh over the last two weeks from the incredible

2:31:41

people that are involved in this effort uh it's really remarkable group of

2:31:47

people and if you guys could spend time listening uh I really think that that would grow

2:31:53

um a lot of mutual respect from everybody okay I'm GNA seriously try to

2:32:00

stop crying um last Friday we had a gentleman uh

2:32:08

that Pamela brought out um to hold signs we were holding signs um and he made one

2:32:16

that said save the tree honk and I wish I had taken video because about eight

2:32:22

out of every 10 cars waved and honked so just as someone pointed out

2:32:28

you know that each one of us uh you know we really do represent the community as a whole and so I think you need to um I

2:32:36

need to speak faster um I want to read something that I found online

2:32:43

aol.com uh I'm quoting here various Native American tribes understood the hwk as a messenger bringing Insight

2:32:51

discernment and focus into our lives across ancestral Traditions the hawk

2:32:57

represented Clear Vision intuition and the ability excuse me to swiftly rise

2:33:03

above any challenges or obstacles in our way thought that would be nice to share

2:33:09

uh I recently went on a road trip across the country to Florida and back and I

2:33:14

got to see our beautiful country but the thing that impressed me the most was coming home to Washington in and seeing

2:33:20

our big beautiful trees um there's nothing like them so let's save them

2:33:26

especially the ones that are so significant thank you thank you Arthur

2:33:34

worth and I probably did not say that name correctly

2:33:50

hello my name is artw worth I'm a my residence T residence is 2409 sap Road

2:33:56

I've been a t area resident since 1951 and formerly the business manager of Timberland Regional Library behind you

2:34:03

and retired as the finance director of Ocean Shores I'm speaking in opposition to the decision to cut down Tom water's

2:34:09

historic um oak tree I want to talk about a statistic so no no clapping

2:34:16

yet uh um it has to do with the the uh

2:34:21

the RIS statistic the mayor's quoted a study showing that there were 407 deaths from wind related tree failures in

2:34:28

United States and that's been one of the justifications for for uh cutting down the tree so that's from a study from uh

2:34:35

KET State University which is authoritative and reliable but it has almost nothing to do with the uh Davis

2:34:41

maker Gary oak tree and I'm going to parse it uh for you so um I'll wake you

2:34:46

up in two minutes uh there 407 deaths from um in

2:34:52

the study but the study covered 13 years so there's actually 31 tree related deaths in United States per year

2:34:59

two-thirds of them are associated with thunderstorms hurricanes and tornadoes none of which are events that we rarely

2:35:06

experience in t water and half of them don't have anything to do with vehicles so when you parse out the category for

2:35:13

the study there's only six tree related deaths per year relating vehicles in this

2:35:18

category uh now this categories covers the Pacific Northwest and the midatlantic so if you split it 5050 that

2:35:25

means that there would be three um deaths per year in the um in our area

2:35:31

but it's actually in the report if somebody's actually read it there's been two there are two average of two tree

2:35:38

related fatalities in the state of Washington per year from from uh from this situation and and uh and and that

2:35:47

included all categories of causes and locations so if you take out the the

2:35:52

non-vehicle ones there's one tree related um uh vehicle death related uh

2:35:59

from a vehicle per year and the V and the study includes trees that fell down

2:36:04

in the road hours earlier and people drove into them so there might be so from between one and zero trees per year

2:36:13

that have falling on people's heads um and and that's to compare I

2:36:18

want to compare that with the for 7 deaths at the that's being used to justify it and I want to put this into a

2:36:24

complete perspective according to the recent University of Utah study uh the

2:36:30

number of people killed in the us annually in Deer vehicle accidents is 440 and other words you're over 70 times

2:36:37

more likely to be killed by Bambi than you are to be killed by by an old oak

2:36:42

tree so I don't want to Discount the the potential public safety issue but there

2:36:48

are solutions are documented for protecting the tree um and the public safety and I ask you to consider those

2:36:56

thank you thank you uh Dave

2:37:04

mandry I'm sorry I have to follow that Dave mandry 505 4th Avenue

2:37:10

Southwest um I was on the city council in the 1970s and I was a member of the historic

2:37:17

preservation committee that had this issue under study and I'm the former director of the Washington State Historical

2:37:24

Society and I was introduced to tomat history in 1972 by Jim Brown who uh took

2:37:31

me to meet a fellow by the name of Albert rutage who we were trying to save the

2:37:36

cemetery over on Little Rock Road and Mr rutage who was 90 at the time again this

2:37:42

is 1972 kept referring to his Uncle Jesse who upon further inquiry was ident

2:37:49

identified as Jesse Ferguson who was one of the original American Settler Pioneers who came here in

2:37:56

1845 so my ancestry and connection might not go back as deep as some but I'm

2:38:02

standing here today as a person who spoke to a person who spoke to a person

2:38:08

who were the first American colonists on Puget s and for this tree to be that to

2:38:13

for this tree to be ripped down is just simply an absolute travesty and now let me speak to the root of this problem no

2:38:21

pun intended I have a JD but it's an honorary but I I've seen enough Law and

2:38:27

Order procedurals and I know the consequence of fruit from the poison tree Mr alower can give you a more

2:38:34

detailed analysis of this we saw the original report it was it was flawed a

2:38:41

group of historians with no Botanical expertise determined that the forms that

2:38:47

informed his judgment that the Tre should be cut out was wrong mistaken we

2:38:52

pointed that out he refused to engage in peer dialogue he would come to a meeting

2:38:59

but he wouldn't answer any questions of other uh uh botanists Now isn't it interesting that I've seen reference to

2:39:06

two or three dozen botanists over the course of the last three months and there's only one botanist on record

2:39:13

who's in favor of cutting the tree down every other Bist that's on the record says we're missing something here so I

2:39:20

would just end with this I've had four books published in the last 10 years 14 years all of them peer-reviewed peer

2:39:27

review is not a comfortable thing to go through if you're a professional in any discipline you have to lay your

2:39:33

reputation on the line you have to defend your thesis and the consultant upon which every one of these decisions

2:39:39

is being based refuse to engage in peer review and I don't know how in good

2:39:45

conscience you can proceed on a decision when every other arist who's offered an opinion offers a contrary point of view

2:39:52

and the one upon which you're basing your decision refus to engage in peer review dialogue so fruit of the poison

2:40:00

tree that pun is intended right those are all the ones

2:40:05

that I have on the list do I have any others that signed up

2:40:11

online I do I have um four more online

2:40:17

and then I will get to the those who missed in council chambers okay okay so

2:40:23

the first is going to be Christina manetti who had the poor connection before okay go ahead uh can you hear me

2:40:31

yes we can hear you oh good thank you so much for coming back to me I'm sorry about that I don't know exactly what what was the matter um this is Christina

2:40:38

manetti from the garyo Coalition it's an environmental nonprofit in Lakewood I'm here to urge you to

2:40:44

preserve the Davis uh Meer Gary Oak as both a historical landmark I'm a historian

2:40:49

and a and a critical area from what we've observed the city of tumat seems to be ignorant of some fundamental facts

2:40:56

as a result the city is acting in violation of the law and without regard to the intention of wdfw guidelines that

2:41:03

are supposed to inform the city's policy making it was shocking to hear the city's representative at the proceedings

2:41:09

last week say that the migratory bird Act only relates to the hunting of birds and even more unbelievable to witness

2:41:15

that the judge accepted this falsehood unquestioningly yes the Trump Administration changed the

2:41:21

law to weaken the Productions but but Biden Administration restored them so if the city of Tumwater cuts down the tree

2:41:28

it will be breaking the law while uh nesting kestrels are using it um the

2:41:34

wdfw uh habitat biologist Darren Masters confirmed that it is illegal to cut it down as well as wdfw Jennifer Hermiston

2:41:43

the city of Tumwater also appears to be ignorant of wdfw management recommendations for Gary Oaks which are

2:41:48

also called or organ White Oaks that's the term that's used in those Publications that were published in 1998

2:41:53

and in January this year these are supposed to inform the city's policies regarding Gary Oaks and there is no sign

2:41:59

in the tat Municipal Code that the city has based their policy decisions and regulations on these recommendations I I

2:42:04

couldn't find the word Gary oak or Oregon White Oak in the municipal code I just couldn't because Tumwater has not

2:42:10

based its municipal code on these recommendations the city has failed to identify Gary Oaks as critical areas

2:42:16

even single Gary Oaks that are valuable to Wildlife as this one is qualify and they should be see the 1998

2:42:23

recommendations because tat has failed to include the Gary o as critical areas the city therefore allows these critical

2:42:29

areas to be destroyed without any talk of mitigation for example in the 2024

2:42:34

recommendations you see that just for for just one Gary Oak of 30inch diameter at breast height 250 young Gary Oaks

2:42:42

would be required as mitigation but you see that the the impacts are to be

2:42:47

avoided in the instance in the publication to be avoided in the 1998 recommendations it clearly says that

2:42:54

Gary Oaks on the west side of the Cascades should not be cut down except for stand enhancement mitigation for

2:43:01

large Oaks is impossible there would be a temporal Gap in the habitat of hundreds of years while the small ones

2:43:06

grow and we don't even know whether in the new climatic conditions they will become large as a result tum water will

2:43:12

be allowing a net loss of critical areas which is in violation of the growth

2:43:18

management Act which requires that there be no net loss the city is also ignorant of basical basic ecological principles

2:43:24

that must be considered when making decisions about this and other Oaks the city looks at the Oak as something that is dangerous because it might kill a

2:43:30

human being because it loses a branch it is actually more more valuable because

2:43:35

it has rought and you can see this in the 2024 recommendations you must guide your policies according to what is best

2:43:41

for this Oak and the ecosystem not only what is expedient for humans stop thinking only about humans it is because

2:43:47

if people like you and nightmar decisions like this one that we're facing the environmental crisis we are in today but you can help fix it protect

2:43:53

this Gary Oak thank you very much I appreciate coming back to me thank you anyone else online yes we have three

2:44:00

more we have a James Dunlop James Dunlop can you please uh

2:44:06

can you hear me yes we can okay my name is James Dunlop and I am a resident of

2:44:12

lakwood I just wanted to make a couple of points about City councils and my

2:44:18

observations I think that many people

2:44:24

regard the uh City C that their city councilors as being there to represent

2:44:30

their interests and I think that they put a lot of faith in their City councilors uh to look after their

2:44:37

interests and you know having looked at how City councils certainly operate in

2:44:43

Lakewood and Tacoma I I do think that there is a problem and I think that you

2:44:49

know City councilors do have to be aware as they go into the job of the kind of pressures that they're put under

2:44:56

that they are there is an incredible pressure to conform and I think that you know social psych psychologist like

2:45:04

Irving Janice when he wrote that book group think he was talking about the Bay of Pigs talking about the Kennedy

2:45:10

cabinet making this disastrous decision to invade Cuba you know those are really

2:45:15

highly intelligent articulate people and even they were were pressurized in in to

2:45:23

making a disastrous decision I think this is a disastrous decision like you are about to make I think but the

2:45:29

pressure is quite enormous there's also a second pressure that if you have made

2:45:34

a decision that you really want something done it's human nature to want to dig your dig your heels in and to

2:45:41

sort of accept but you know I don't I don't want to back down it's human nature not to want back down we all have

2:45:47

strong egos but sometimes it is the right thing to do and so I think City

2:45:52

councilors do need to be aware of of a pressure you know you are there sorry I

2:45:57

can't address you but City councilors are there to look after the interests

2:46:05

of of of those they're representing in this particular in instance they're

2:46:10

there to look after the residents of Tumwater and you need to be aware of

2:46:15

that and you're not there to look after the interest for example of City bureaucrats you who have their own ideas

2:46:23

about development and they kind of see you as ways to rubber stamp what they want to do and so I think you need to

2:46:31

sort of take a step back from where you are and the pressures that you're under

2:46:38

and to just look at what is actually going on because if that tree comes down

2:46:44

which is after all it's illegal for it to come down not I mean it's not only illegal it's

2:46:50

it's immoral if that comes down you will be blamed forever because that tree cannot be put back up again it takes

2:46:57

hundreds of years for an oak to grow so I think you need to I think City councilors need to think very carefully

2:47:04

about it and it's a time I think for a bit of Bravery thank

2:47:11

you now I have a Marana danne and I don't have her under my list by name but

2:47:17

I'm going to let two phone numbers speak

2:47:22

okay go

2:47:34

ahead no one there okay so now we can go to the last one that registered online

2:47:39

which was a Kyle Nichols or

2:47:47

Nicholas go ahead

2:47:53

are they are they muted uh I've asked I've asked them to unmute and they can

2:48:04

talk okay I'm we will go ahead and move [Music]

2:48:10

on yeah and we will go in Chambers now so it those are the individuals who

2:48:17

signed up and I am seeing a lot of people who have not spoken so I'm assuming that there'll be more people

2:48:23

who would like to speak so if you could uh come to the podium and I will one one

2:48:29

at a time please one at a time why if you don't mind can I have

2:48:38

someone take this and have that since there's so many can I

2:48:43

have someone have those other individuals sign up please and then

2:48:52

I'll go ahead and have them sign up

2:49:43

so uh whoever the first person is on the list um can you come up and state your name and then that way we can get get

2:49:48

things moving name and address I'm Janine L and

2:49:55

I have a home on Tumwater Hill on 4th Avenue um there's not much I can add

2:50:00

here that hasn't been so beautifully stated already um Bev you definitely stole the thunder

2:50:06

on the irony of the open public meetings act uh tonight and that focus on

2:50:12

transparency which is the first thing I really want to say um that the transparency in this process many

2:50:19

multiple levels has been um very poor and uh especially when it comes to why

2:50:26

this tree even needs to come down at all um we know it's not safety because it

2:50:32

was a year ago that the the branch fell um from the records I've seen there's

2:50:38

conflict there on that date um but that Branch Bill a year ago and yet we're

2:50:44

here today dealing with it for the first time so there's no emergency when it comes to um the danger that this tree

2:50:52

represents to the public um there does seem to be a hidden

2:50:58

agenda here at some point that we're all discovering we don't know what it is and even members of your own City counil

2:51:04

don't seem to understand why the urgency of this tree or even the fact that it needs to come down at all is happening

2:51:12

um but here's where we are in this moment um we've got a pair of nesting

2:51:17

kestrels that are in the cavity of the tree with assumably some babies involved

2:51:23

and we've contacted the US Department of Fish and Wildlife the Washington State

2:51:29

Department of Fish and Wildlife and the Portland office of the um migratory bird

2:51:35

treaty act that enforces um permitting and uh law enforcement of that act and

2:51:43

the message is very clear um if anyone touch es or disturbs that tree with

2:51:51

those birds nesting in it is simply not allowed that's the law and that's the

2:51:57

law that you'll have to follow in this um we've been told by official Tumwater

2:52:04

staff um and uh officers that the mayor claimed that she' consulted the tribes

2:52:11

in this issue um yet our consultation with the tribes the kets the Nali and

2:52:18

the squaxin would tell us that that's not true um that this consultation did

2:52:24

not take place um we have been um I've been involved

2:52:32

with this process for nearly four months now from February uh when this first

2:52:38

kind of started you know the process of this started and the process around this

2:52:44

beloved historic protected um and very alive and healthy

2:52:51

maker Oak um is totally lacking in transparency

2:52:57

and Truth telling three minutes thank you all right thank you um this has been a faithless and difficult process and

2:53:05

I'm asking the city council to act and I'm asking the mayor to get into truth

2:53:11

and to um give this tree it's due which is to protect it minutes and to preserve

2:53:17

it future Generations all right

2:53:23

uh I just have a lot of initials here Janie L can you come

2:53:28

and oh sorry all right Kepler

2:53:35

F and can you state your full name for the record

2:53:46

please hi my name is is Klo Felton and I live in West Seattle and I was just

2:53:53

learning about this tree recently and I wanted to say that every time I learn

2:53:58

more about what's happening with this tree I am more and more disappointed

2:54:04

with what people are doing about it and how this is coming along and I will say

2:54:11

that most people in the audience here are to support this tree and it not

2:54:19

being cut down and if after all of these people

2:54:28

pulling their hearts out and saying don't cut this tree down you still

2:54:35

ignore them and cut it down for reasons that you think are important but the

2:54:42

community says no these are the people you think you're affecting they say no

2:54:47

they say don't cut it down please don't because that tree in not just this story

2:54:54

but throughout many generations before is part of the community not just part

2:55:01

of the landscape or part of what exists it's part of the community and if you

2:55:08

chop it down you're chopping down part of the community and part of all of us so even after all this if you decide to

2:55:16

cut it down then in my opinion you deserve all the hatred that comes back

2:55:22

at you all of the absolute wrath towards you the the malice that people will say

2:55:29

when they think of you you kind of deserve that because you didn't think it through and people will be just be so

2:55:37

angry at you and for even when you're dead in the

2:55:44

history books they will say this person was a jerk everyone and that's about it that's all

2:55:51

people will think of you don't be that person thank you thank you no excuse me

2:55:58

no clapping thank you Diana

2:56:11

Kylie thank you Madame mayor so we have heard people speak on the from the

2:56:18

experts on the condition of the tree we've heard emotional um

2:56:26

requests I'm going to go a different direction and first I'm going to make an

2:56:33

observation that the sense of dismissiveness and apathy that I'm

2:56:40

sensing from this governing body is really hurtful so where I'm going to start with

2:56:47

my three minutes 2 minutes and 25 seconds so I like you all to draw

2:56:53

attention to that first picture they wouldn't be here if it were

2:56:59

not for the ketz people and our River the ketz river you didn't get here

2:57:05

except through us that history must be preserved and

2:57:11

we've got the historian that can back me up on this my ancestors to

2:57:19

carrying their belongings by canoe building wagons then to transport them

2:57:27

over land to bring them to this very place what kind of gratitude are you

2:57:33

going to give them you wouldn't be here if you had not come through ket's

2:57:38

country with ket's labor ket's help ket's

2:57:44

Transportation I really really need you to understand that it's more than the

2:57:50

tree it is the decision to save a tree is one matter but a decision to preserve

2:57:59

history and to treat us the citz people the Nali people the uh Pua

2:58:06

squaxin remember us we live with you you got here only through us so give us back

2:58:14

this little piece of our land Pres preserve it memorialize it and honor

2:58:22

it build your airport go ahead but leave that piece you can build around it move

2:58:29

the road move the airport I watched from an aerial view view you have plenty of

2:58:35

space to expand without taking out our history again the apathy I'm sensing here has to

2:58:43

be the apathy that I felt or are my ancestors felt at the treaty of medicine

2:58:48

Creek the cets refused to sign that medicine Creek treaty because we wanted

2:58:54

our lands intact not to be put somewhere else on the road put aside and disregarded and

2:59:02

that's what's happening here now so I'm going to ask this Council please take a

2:59:08

vote tonight to postpone this until our people have a chance to weigh in you've

2:59:14

denied us that you know from my previous statement that both the Nali and the CET

2:59:20

just went through new elections we have no leadership to make a decision give

2:59:27

them time to talk to you and weigh in we as my brother said we have standing

2:59:34

honor that standing I see Madam mayor thank you uh barnab C

2:59:52

hi I'm Barnaby I live in Olympia could you state your last name please

2:59:58

Caldwell and I am just coming up really quick to say that I'm

3:00:04

representing um I really resonate with what people were saying before about

3:00:10

how everyone here is representing people who are too tired or too busy to be here

3:00:18

um and I'm representing um younger adult voters I guess and that's an important

3:00:25

part we're we're voters and we pay attention to this sort of thing um we

3:00:31

care about trees and we uh care a lot about local

3:00:39

elections um we some of us care more about local elections than bigger

3:00:45

elections that may be coming up we we take a lot of stock and care about

3:00:50

uh what's happening around here so I I just wanted to remind people of that um

3:00:59

there's stuff on the line anyway thank you thank you and I'm having difficulty reading

3:01:07

this name um and move the

3:01:14

fence uh yeah sorry I wrote really fast um thank you

3:01:21

everybody for all your comments I'm just going to provide some quick facts Tanya nozawa I live in

3:01:27

Tumwater um PO Box 14013 um I've served on the tree board

3:01:33

for seven years and the reason why is because when I moved here 20 years ago I love this little town and I wanted to

3:01:41

protect the trees that were here um my husband will make fun of me all the time because I we have a very small piece of

3:01:47

property and I try to put as many trees in as I can um but uh I wanted to I

3:01:52

wanted oh I'm sorry I wanted to um just provide some quick facts I I am very

3:01:59

emotional about the tree I've met people in the last two weeks that are in this room that are very passionate as I um

3:02:06

but the branch that fell from the merer oak fell in February of

3:02:11

2023 I met the gentleman um who witnessed it I met the person who saw it

3:02:18

it fell next to the tree not in the road um the gentleman whose daughter was

3:02:24

going to work it fell in front of her car he still thinks the Meer Oak should not be cut

3:02:30

down um the Falcons I saw them last Thursday I heard okay I was there

3:02:37

Saturday I went there Thursday and I actually saw them one of them is white

3:02:42

she's beautiful I saw her um chase away a hawk about four times her

3:02:49

size and I heard the babies in the in the cavity of the tree I talked to um

3:02:57

I've been calling since the hearing on Friday I've been calling us Fish Wildlife I finally got a hold of a gal

3:03:03

today she is the one that is wants to go out and do an assessment on Thursday

3:03:09

hopefully the Gary o will still be there um I sent her the pictures I took uh I

3:03:16

did not have my real camera but was a very good picture of them um so she's

3:03:22

going to go there and do an assessment she's already going to be at the airport doing an assessment of Oregon

3:03:28

swallows um I I have sent there a lot of people

3:03:33

are saying move the road and that's a very good option but I also talked to um

3:03:39

an individual who does work for Mercer Island and a wildlife bridge is another

3:03:44

idea they are really I looked them up they're amazing um and it's just a brid

3:03:50

it I90 has one works very well um can just and can protect the road and the

3:03:57

and the public if that is your concern and the tree can still say stay um uh Bellingham one another thing

3:04:06

I wanted to mention is serving on a tree board um Bellingham has just created a

3:04:11

city counil ordinance to protect their historical inheritage trees um and it is very strict and I will be bringing that

3:04:18

forward to the tree board to implement that in our town um because I because it

3:04:23

will prevent things like this happening in the future three minutes thank you um and there was one more thing we are on

3:04:29

uh we are nationwide the uh Wildlife agent that call me today we are in

3:04:35

People magazine our little town in this story thank you thank you all right anyone

3:04:41

else okay I appreciate everyone coming I do have one more person that tried to speak earlier and the Maran Dane I'm

3:04:48

going to still try to unmute the three phone numbers and see if she can speak okay go

3:04:59

ahead so it's for Maryanne Adan are you

3:05:15

there I yeah so it doesn't sound like this is going to work so I also encourage that

3:05:23

uh those who were not able to connect for whatever technical reasons to go ahead and submit their comments

3:05:29

so all right with that public comment portion

3:05:34

is ended thank you very much everyone for attending tonight um it is um

3:05:41

definitely a lot of people to hear and so I appreciate it

**END OF PUBLIC COMMENT**

3:05:48

uh there is nothing on the count on our agenda to be taking a vote on we will be

3:05:54

discussing something that was added to the agenda but I do not believe that that will be a vote this evening we will discuss that after that

3:06:02

you're perfectly welcome to to stay for that so with that I'm going to be uh

3:06:08

asking for um approval of the consent agenda or

3:06:16

consent calendar

3:06:22

wait till move or what's that wait for to move no that's just so

3:06:29

moved do I have a second for the consent calendar I'll

3:06:35

second second okay it's been moved by council member doof seconded by council member Von Holz all right all those in

3:06:43

favor signify by saying I iOS Nay with that we have approved the

3:06:49

minutes of the council uh city council meeting of May 14th approval of the minutes of the city council meeting of

3:06:55

May 21st payment P vouchers resolution number 20

3:07:02

24-3 uh Surplus in uh K9 James which is a very sad event but he will be going

3:07:09

home with his uh great Handler uh local agree interlocal agreement with the City

3:07:14

of Olympia for The mman Pedestrian and the street uh in Improvement project uh

3:07:22

Israel Road excuse me can we have uh quiet in the chambers

3:07:28

please Israel Road and linderson way pedestrian and bike Improvement project authority to solicit bids and recommend

3:07:35

award uh Construction contract with active active contracts Construction Inc

3:07:42

for the Interstate 5 Trosper Road Capitol Boulevard reconfiguration project request for additional

3:07:48

construction funding reappointment of Joe Monroe and Amy Hargrove for the

3:07:55

board of Parks and Recreation Commission Thunder in the Valley Fourth of July

3:08:01

firks display permit and cancellation of the June 18th regular city council

3:08:07

meeting all right with that we are now going to go to council considerations and the first is resolution r

3:08:17

strategic priorities and goals 20 2025 and 20 to

3:08:23

2026 thank you mayor um this is the culmination of the review that the

3:08:29

council embarked upon uh beginning at the B um in January of this year uh we

3:08:35

met um at a retreat session in January we continued that conversation specifically around the Strategic goals

3:08:42

and priorities for the community uh in February and then wrapped that up in March

3:08:48

um the resolution that you have before you is uh intended to adopt the

3:08:53

Strategic goals and priorities for 2025 2026 um these are as we have reviewed at

3:09:00

those different meetings as well as um we incorporated comments from Council Members Who provided those um uh

3:09:08

subsequent to the March uh Retreat session so we are hopeful that you um

3:09:14

will find these to be satisfactory um these are guiding the development of our binal budget process um and um provide

3:09:22

us as staff um the direction that we request from you all in terms of

3:09:28

measuring and identifying our priorities for moving forward with our our tasks and providing services and

3:09:34

infrastructure to the people of Tumwater and I'm happy to answer any questions uh

3:09:40

council member delh thank you mayor I know in the past when we've had multiple versions of a document that the track

3:09:46

changes were included so I can't remember last week let alone the edits that I made so I'm wondering how I could

3:09:54

see what edits were Incorporated because I don't see track changes sure I have a version of track changes that I could

3:10:00

send to you if you'd like um they were pretty minimal we tried to address each

3:10:06

of the concerns so council member dohar you were the only council member who submitted uh comments to us that's not a

3:10:13

bad thing no it's not a bad thing not at all uh only intending to say that um we

3:10:18

actually Incorporated the majority of your comments in terms of updated language to try and provide Clarity

3:10:25

right you'd ask some questions about I guess before I'll vote Yes I'd like to see which ones were not Incorporated so

3:10:31

I'm a no right now until I could see what ones you didn't incorporate

3:10:39

okay all right any other questions all right I should bring this

3:10:46

up I believe this one takes action sorry I have too many things open so do I have

3:10:52

anyone who's willing to make a motion council member alower uh thanks mayor I

3:10:59

to to just provide a teeny bit of context and also speak to the resolution and strategic goals and priorities when

3:11:04

we have these Retreats I think it's such a great thing that we actually take the time to sit down to talk about what our

3:11:10

future goals are for the city um that took place over a three-day process to try to actually articulate those things

3:11:18

we looked at our past goals we built upon those we checked a few boxes which always feels good when we can cross

3:11:23

stuff off because we've achieved some of the finite goals but I think that overall looking at the document you know

3:11:30

this represents certainly my vision that we try to achieve for for achieving everything we have in our acronym people

3:11:36

um I'm really proud of the document that's before us and I'm really pleased to offer to make a motion that we adopt

3:11:43

resolution r224 011 updating the city's strategic

3:11:49

priorities goals do I hear her second second all right has been moved

3:11:55

in second discussion on the motion no discussion on the motion I

3:12:03

will call for the vote all those in favor signify by saying I I I those

3:12:09

opposed I nay well you didn't okay sorry

3:12:15

okay no yes all right so just one oppose all right the motion carries

3:12:22

thank you very much and we will get you the comments appreciate it next is a letter understanding with the squaxin

3:12:30

island tribe um and I have Chief Wix here thank you mayor I Council I'm back

3:12:37

again uh before you tonight is the updated letter of understanding with the and Island tribe uh for law

3:12:42

enforcement Services if you recall in 2023 we signed an initial of

3:12:47

understanding uh that was signed with the squawkin island tribe which provided tum police officers the authority to

3:12:54

enforce traffic and criminal laws of the state of Washington uh for specific for specific

3:13:01

property owned by the tribe located within the city since this time um or I

3:13:07

should say it also uh implemented a provision of a 2023 uhou that the city signed with the

3:13:15

tribe um since that time the tribe has now purchased additional land uh that

3:13:20

they are currently developing uh and that's why we're bringing it to you in front directly to the Council on

3:13:26

consideration uh that land has gone into trust land now uh and we need to clarify

3:13:32

our legal authority to be on that land uh to enforce those laws so what you have before you is a current letter of

3:13:39

understanding and it's also looking forward into the future instead of being very specific uh We've written it to

3:13:46

include any land that the squawk and Island tribe any trust land they have uh to give us the more clear Authority on

3:13:53

their property so uh this is an action item um I'm asking to approve and

3:13:59

authorize the chief police to sign the updated letter of understanding with a and Island tribe to provide law

3:14:05

enforcement services to any and Island tribal trust land located within the city of Tumwater and I'm happy to

3:14:11

answer any questions uh count uh council member Ral touser thanks mayor so

3:14:17

the tribe does provide a nominal I describe it as a nominal fee or for for

3:14:23

services to provide that so if the tribe were to acquire a significant new piece

3:14:29

of land or parcel and would then would that and that was then put into trust

3:14:35

would it automatically then be grandfathered into this agreement and therefore we would be providing services

3:14:42

to that new piece of land without increasing the nominal I'm not really $2,500 it's not like it's make or break

3:14:50

but I guess I'm just curious so does that make it automatic whenever there's new land put into

3:14:55

trust I'll leave that to

3:15:00

Karen hold on one second there you go um

3:15:06

I that's the intent of the updated agreement is so that we don't have to amend it each time there's new addition

3:15:13

um of land um but the the fee ALS so um will be reopened again for negotiation

3:15:20

in two years okay great thank you any other

3:15:27

questions all right do I hear a motion to

3:15:32

approve council member alower thanks I I move we approve and authorize the chief of police to sign the updated letter of

3:15:39

understanding with the and Island tribe to provide law enforcement services to any and Island tribal land located within the city of delar

3:15:45

all second okay that was a fast second uh I think count council member Von Holz I think

3:15:52

was maybe be a little bit faster so moveed by council member alower seconded

3:15:58

by council member Von Holtz any discussion on the motion okay with that I'll call for the

3:16:04

vote all those in favor signify by saying I I I I I oppose

3:16:10

nay all right the motion carries thank you thank you all right and now for the

**COUNCIL DISCUSSION OF PROPOSED ORDINANCE RE: GARRY OAK TREE**

3:16:16

item that was added to the council considerations and uh councilman dhof

3:16:23

brought that and and I'm assuming it is the from the email you sent earlier

3:16:28

which was a proposal for an emergency ordinance to preserve the Davis Meer oak tree is that correct thank you mayor

3:16:35

yeah the email sent on June 2nd 2024 with three sample proposals for a

3:16:42

council discussion Angela did raise her hand before we started on this just as

3:16:47

oh I'm sorry Angela go ahead yes mayor did we need a motion to approve the cancellation of the June 18th regular

3:16:54

council meeting that was on our Council considerations okay consent I'm sorry

3:16:59

Council consent it was already done all right go ahead thank you

3:17:07

mayor the email was regarding three sample proposals so as this current state has

3:17:13

been evolving it has been um the ipal codes have been addressed for the reason

3:17:19

for executive branch of government administrative decision so the question I was bringing forward is when it comes

3:17:27

to Municipal codes that's Council that's the legislative branch of government so knowing that the temporary restraining

3:17:34

order expires tomorrow at 5 what does it look like for Council to have a

3:17:39

discussion about updating the municipal code for section 16 for the exemption

3:17:44

and what I was hoping to have a discussion is what would it look like when data is called into question that

3:17:50

if a board or a commission or a council calls into question that data that it is

3:17:56

independently thirdparty assessed for to validate and reproduce and where I'm

3:18:02

getting at is we're council members here tonight and the majority of us have other jobs and other responsibilities

3:18:09

and my job is a chemist I've always been a chemist is been my lifelong dream everything I do

3:18:16

is about science so I'm bringing this back because comments have been made that Council should not rule based on

3:18:22

feelings we should be ruling it based on what's presented to us and that's what I'm going back to is what I know is

3:18:29

science and so I'm asking us to follow the scientific method of when data is called into question that it's not about

3:18:35

the person it is about the data and that's when I'm asking to have a conversation what does it look like for

3:18:41

Council to amend the municipal code to say if data is called into question that it automatically goes to an independent

3:18:48

thirdparty assessment for validation and

3:18:56

reproducibility council member Kathy so um council member dhof uh are

3:19:04

you going to ask three different things and that's just the first one which is to modify the code the question is it's

3:19:12

been coming it's been presented to us that this is Administrative function so what part does council play as a

3:19:18

legislative branch of government do we pass do we discuss the Bellingham recent

3:19:24

example that Tanya also brought up and do we do an ordinance like that an emergency Ordinance do we look at the

3:19:29

municipal codes in the email that I sent for adding trees because it was told trees aren't in there for the waiver

3:19:35

even though objects are a tree is an object so if that needs to be cleared up because it is a unique situation let's

3:19:40

modify that municipal code to add tree organic nonbuilding structure what does it look like for the

3:19:46

exempt of the data to remove something if the data is called into question so could we

3:19:51

do that does it need to be an emergency ordinance I'm still so I mean I'm still

3:19:59

I know I just heard our City attorney say just a discussion what if what would it look like for me to make a motion to

3:20:05

amend the municipal code and with that is an emergency that's the question is

3:20:10

can it be effective immediately or would it have to be an emergency ordinance

3:20:19

oh you you've brought up several different things thank you and I apologize

3:20:24

it's that's I'm hoping to have a discussion is if the temporary restraining order expires tomorrow at

3:20:30

five o'clock and Council wants to update the municipal code so that if data is

3:20:35

called into question for any action that it is independently thirdparty assess before any action or inaction is taken

3:20:44

okay so you so you're saying what you desired to do is update uh title

3:20:51

16 in order to require additional assessment of some

3:20:57

type chapter 16.08 e to update the T Minal code for

3:21:03

any documentation that is called into question by a board a commission or a council that the third-party independent

3:21:10

assessment will be performed to validate and reproduce documentation before any decision or action or non-action is

3:21:17

made so uh first thing would be that we would need an ordinance um to bring

3:21:23

forward to the council for discussion um most of the tree protection ordinance

3:21:29

require is considered development regulation so that requires additional

3:21:34

process to go through the Planning Commission um and have requires a public hearing as well as notice to the state

3:21:42

Etc so what is the difference of declaring an emergency ordinance like Belling did knowing that they will follow up on the due diligence of Those

3:21:50

portions so um an ordinance can be ADT adopted as an emergency it would um

3:21:56

first require that we have an ordinance to bring before the council to vote on um and then it would require unanimous

3:22:03

vote to take effect immediately unanimous or super majority

3:22:09

unanimous so it's super majority of the mayor vetos need a super but you need a unanimous to do an emergency ordinance

3:22:16

because because we're a initiative in referendum City it requires the unanimous vote okay so I

3:22:24

drafted an ordinance which is rough really rough but I drafted it and

3:22:30

put it in the email all right so what you're referring to doesn't meet the minimum qualifications of an ordinance

3:22:40

okay so um

3:22:48

attorney Kirk Patrick what um what calls for a unanimous Council vote why does it

3:22:55

call for a unanimous vote um it has to do so it it's required

3:23:02

by State Statute because because we have the power of initiative and ref

3:23:08

referendum um there's an additional requirement that it be an unanimous vote not a super majority to change our own

3:23:15

ordinance to make it an emergency to make it an emergency guess the question is how do we if it's not an emergency

3:23:22

then how can we have a discussion about not removing the tree until this ordinance can be drafted to meet the

3:23:29

standards because we don't write ordinances so I did the best that I could and apparently that is not

3:23:34

sufficient so what does it look like to make it sufficient to have a discussion

3:23:39

without the tree coming down not even talking about the Federal Regulations or our tribal neighbors and their concerns

3:23:47

I'm just talking about data called into question and using the scientific method that has been around since the 1600s the

3:23:53

same time that tree started growing that that's up to the council

3:24:00

and the mayor if you wish to have a discussion about that um and then direct

3:24:08

staff accordingly um if that's the direction that you want to

3:24:13

go if we were to vote tonight to um

3:24:18

extend this um Beyond tomorrow and these are some of

3:24:25

the reasons that council member dalhoff is putting forth I would also like to

3:24:31

add in um the letter that was received by I

3:24:39

believe the Nali tribe from uh the chairman of the Nali tribe that we put

3:24:46

this off they he didn't name it length of time but that would need to be talked

3:24:52

about but for the for the tribe to be able to check with their um two

3:24:58

different entities about historical and preservation issues so um I would like

3:25:04

to honor that I mean we've even heard here tonight you know what does it mean

3:25:10

to honor our ancestors a tree the native people um all all of us who love it um

3:25:18

all of that kind of thing and so if if we are going to vote to

3:25:25

extend the deadline of 5 o'l tomorrow I would like it to also include that the

3:25:31

tribes honor what the tribes ask for in their in their letter along with what

3:25:37

council member dohop is speaking

3:25:45

about uh I have two people council member agabi you have a

3:25:52

comment yes thank you mayor uh Karen I'm not sure if you saw the email

3:25:59

from plenti attorney today sometimes this afternoon in that

3:26:06

email the plenti attorney have made some uh

3:26:14

suggested C she said and I'm I'm I don't have the

3:26:20

email I'm just trying to go by recollection that if an assessment was

3:26:26

to be done by the plaintiff uh

3:26:32

a that that a will guarantee or the

3:26:37

insurance will guarantee that if the Tre were to come down and injure somebody

3:26:43

that their insurance would be liable for with that so along those lines have you seen

3:26:51

any email to that

3:26:56

effect I believe I saw the same email that you did so so so

3:27:03

naturally if if if this attorney is making

3:27:11

a assertions or statements that uh if an if a neutral aloris were to cond an

3:27:20

assessment something to happen in the interim that they were going to be responsible how would you go about

3:27:26

making that a legal

3:27:31

document I'd have to look into that okay thank

3:27:37

you council member Jefferson

3:27:46

you're you're on mute council member Jefferson yes um I took copious notes as um our

3:27:56

community members were talking to us today and I

3:28:02

heard apathy I heard almost like there's a

3:28:09

lack of concern I heard a lack of trust

3:28:16

towards us and what we are saying as council members as

3:28:23

mayor as City administrator I would like to propose a

3:28:32

compromise um I am familiar as a military leader

3:28:38

with risk assessment and mitigating risks we heard our insurance company has

3:28:47

told us you won't be covered if someone should be

3:28:53

injured if that tree should fall and that limb should hurt someone or kill

3:28:59

someone heaven forbid it's a family member so we understand that you know

3:29:05

removing the tree that's a risk mitigation perhaps we can look at

3:29:13

trimming the tree bracing the tree as some members of our community said that

3:29:20

can be done our Native Americans um community

3:29:25

members are very upset with us right now we we got a letter from you know uh

3:29:34

the the redwind uh the I'm looking at it right now from chairman uh Ken

3:29:41

choke the tribe requests that the city delay taken any action to remove the the oak tree until the tribe has had an

3:29:48

opportunity to complete consultation with the state historic preservation officer and the tribal historic

3:29:55

preservation officer I think we owe it to them to at

3:30:00

least get that independent third-party analysis I believe that our community

3:30:07

understands that we feel in City leadership that that tree could fall but

3:30:15

let's give 30 days a 60-day extension so we can

3:30:21

listen to what we heard today and

3:30:27

digested can

3:30:32

that uh thank you mayor um I would also like to uh follow up on council member

3:30:38

Doh half's um request we had questions about the

3:30:43

numbers and you know and and while they give me tease me about being the numbers person but numbers need to mean

3:30:50

something and so I I'm concerned that um I would like to see the that we could

3:30:58

have under these circumstances um or any circumstance moving forward that if we have um you know difference in data that

3:31:06

we uh take that that step forward to make sure that the data that we've received um helps us with our decision

3:31:13

moving forward and I um I'm very was moved by the testimony that we heard

3:31:19

tonight um as well and um and in respect and honor to our tribes we we do have a

3:31:26

request from the new um leadership the new uh uh I'm sorry the gentleman from

3:31:33

the nelli tribe who's now the um the head of the tribe uh to to pause and so

3:31:39

I would I don't know what we need to do to do this but um as a as a council and

3:31:45

that we take a pause and allow some of these questions to be answered um and to

3:31:51

seek that third opinion and so that we all have we're and then the community

3:31:56

can see too uh that it's not in good faith that we have made every effort um

3:32:02

rather than you know going for that first one that we made every effort to um to exhaust the possibilities before

3:32:08

um action needs to be taken or if it is does need to be taken so um I would like

3:32:14

to see that happen this evening uh council member Von Holz thank you

3:32:19

mayor um in regards to what council member Jefferson said we did hear from

3:32:25

our insurance company and they did say that we wouldn't be covered if someone

3:32:31

was killed or injured by the tree they also said that if the numbers were

3:32:36

different if the scientific data was different they would change their

3:32:41

opinion I believe I remember hearing that so I would also so um like to

3:32:48

consider what council member dhof has suggested and um I've already suggested

3:32:55

to administrator parks that we need to do a third independent review of the

3:33:03

findings of this report to honor our community members and all the concerns

3:33:09

that have been brought up uh council member Kathy and then council member alower oh Council go

3:33:16

ahead I have a this is a legal process question um for the City

3:33:21

attorney as a council you know we can pass motions and resolutions we can pass ordinances those are two three three

3:33:29

distinct things so as a council we could pass something that said uh that the

3:33:38

coun that uh we are directing staff to seek a thirdparty analysis and that we

3:33:45

are requesting that the tree not come down for a per X period of time but there is

3:33:52

no actual like we could say the tree shall not come down but there's no act

3:33:58

like by just doing a motion as opposed to an ordinance there's no actual legal mechanism to compel the administration

3:34:06

the executive branch to not take action is that correct I believe that's correct

3:34:12

so the mechanism that Council would have to exert would be to pass an ordinance

3:34:18

which because it's regarding a development code has to go through the typical process of a public hearing and

3:34:27

all our typical procedures going through whatever committees it's assigned to unless it's an emergency ordinance that

3:34:34

is enacted correct it would still have to go through those processes um but it could

3:34:41

be enacted as an emergency and then there's certain additional requirements

3:34:46

to go through those processes during the interim controls are there requirements for what

3:34:54

constitutes an emergency like we heard in the opma presentation the definition

3:35:00

of an emergency for a special meeting was a rather High bar I think the examples that he gave were a fire or

3:35:07

contamination of a water source is there a similar what's the threshold for us Public public health and safety um and I

3:35:15

don't have it in front of me to to speak to it directly but it's not as high a threshold as what he was speaking to for

3:35:23

the remote emergency meeting okay I think you so thank you um so about the

3:35:31

emergency ordinance uh an emergency ordinance is why we're here where we are

3:35:38

and why people mistrust us and so forth because uh the mayor you and the city

3:35:45

admin administrator have told us that this is an emergency so that's part of what started this on a

3:35:52

short you know going to court and getting on a short leash and so forth here so we if we um as all the council

3:36:02

members who wait in on something here we unanimously decide to do something with

3:36:10

emergency in it does that and is are we cap capable of doing that

3:36:17

and what would what is that called that's what Michael was asking about and maybe I heard it and

3:36:24

didn't understand that and also if we do it we do not have to have uh 30 days or

3:36:30

60 days or 90 days we could have until certain things are are cleared up and we

3:36:37

report back and we talk about it and whatever because I want to mention one

3:36:42

thing that's off of the you don't have to put this in the in the emergency ordinance but with the police officer

3:36:50

who received the person of the year here as a as a policeman I was caught by the

3:36:58

fact that our police chief said and implied more than once in this that this

3:37:05

man Officer Clark knows how to do it

3:37:13

together do it together and I want this community that's still here to know

3:37:18

there are those of us here who are trying to do this together we are trying to I am trying to do it together and we

3:37:26

are looking here for a way to extend this so we can do it together so so we

3:37:32

can make so we can make something happen that that not only Keeps Us in community

3:37:38

but maybe creates a stronger uh community so that's why I appreciate

3:37:44

what council member Hoff has done and the questions that um you know our colleagues on the wall

3:37:51

over there um are with us on here I guess and uh I

3:37:57

would like to see that happen tonight if we can do that with the high bar of all

3:38:03

council members voting the same way any sorry for the sermon in

3:38:11

between yes go ahead council member D I appreciate this time to have this

3:38:16

discussion different brands of governments and I I see the irony of the opma meetings act on all this but I also

3:38:23

appreciate that the challenge I'm having is the timeline right and this happening

3:38:29

emergency not emergency right decisions uh factors and then okay so

3:38:35

what is our lane as Council it's a legislative branch of government if the if a a portion of the municipal code is

3:38:42

being used for to make that action then let's update that we've been hearing it's Unique it's different we haven't

3:38:48

has for so let's fix that for the currency and moving forward so what does that look like well we can't do an

3:38:54

emergency ordinance I drafted one not good enough so you need the time to go through the process so how do I ask the

3:38:59

executive branch of government to let us do that process to let us go do that right so I don't know where I'm not

3:39:05

looking at you City attorney looking at mayor what does that look like moving forward is like this is a process trying

3:39:12

to fix the current state and move forward together what does it look like to give us the opportunity when Kevin

3:39:19

McFarland did his assessment he charged the city six hours so could this third party independent assessment happen

3:39:25

tomorrow can it happen tomorrow could you give us that time like I don't know howse if I can't make

3:39:31

emotion my ordinance is not good enough what can I do to ask I understand what

3:39:36

you're asking for so um I would if if I

3:39:41

was to entertain this I would not want any of the arborous or any has been involved in this at any way shape or

3:39:47

form but somebody totally outside the scope of this who's totally under

3:39:52

totally totally independent from all of the rhetoric and all the other things and all of the the preconceived notions

3:40:00

that we've already had how long would it take to do that

3:40:05

um coun uh City administrator Parks how long do you think that would take I'm

3:40:11

I'm going to have to ask Karen whether or not we'd have to do a request for proposals of some sort but um I would

3:40:18

assume so it took Kevin McFarland a few months I don't know if

3:40:24

that was because he was being deliberate or he had other things going on so I can't I can't I don't know how long it

3:40:29

would take necessarily I would hope we could get something done he charged six hours for the work so

3:40:36

I that's is but it's the amount of time it takes to actually do the assessment I

3:40:43

six we can put a contract together quickly so says the attorney okay so

3:40:49

um I'm not an arborist right um so I don't know exactly how long it would take I would say that if this is a path

3:40:57

that the that the mayor would like to go in partnership with the council we can

3:41:03

work on trying to figure out ways and we are currently working on ways to um try

3:41:09

and provide the temporary public safety measures that really need to go into place sooner than later and during that

3:41:17

time we we've been anticipating needing to do that anyway because of the prospect of the legal proceedings

3:41:24

continuing for a period of time so we've already started down the path of researching what our alternatives are in

3:41:30

trying to provide some public safety measures as an interm measure we certainly could do that and and move

3:41:37

forward with those items as quickly as possible um if you would choose to

3:41:42

select and have a a third party review done we certainly could do that and and

3:41:49

um in the meantime we will remain liable for any risk that happens

3:41:57

I I I am going to indicate that risk liability is

3:42:06

something that a city faces every day whether it's stubbing your toe on a

3:42:12

sidewalk um we pay a lot of money for people to get their TI is replaced as they're driving over the seal coating um

3:42:18

it is a factor and it is a real factor that we have to consider that being said as I mentioned

3:42:27

we are looking at ways in which we could try to provide Public Safety in that

3:42:32

intern period of time and if the choice is to move forward with that we will do our best due diligence to make sure that

3:42:39

we were able to accomplish that just begging you mayor to just follow the scienic I have a question first when

3:42:45

when step moment I want I want to say something here so with this change I

3:42:52

also want Council to understand that you are also absorbing the risk of this thing that we would be doing this would

3:42:59

require this will require because we were needing to plan for this if this was delayed in the taking down of the

3:43:06

tree we need to reroute traffic we need to have traffic away from that tree what

3:43:11

does that look like how much does it cost to build a road every body says oh just build a road that is goes by pocket

3:43:19

go for habitat that we do not have mitigated and we're going to have to build a structure that can hold

3:43:26

22,000 vehicles per day so this is not just a little thing so we're going to

3:43:31

have to come up with steps that the council's going to have to be very involved in on how we mitigate this

3:43:38

issue and this is something that we need to do right away we need to you know there's a whole whole lot

3:43:45

here everybody throws out we'll just move the road well that takes engineering design building I've heard

3:43:53

um you know uh taking to part of the tree off well that may work it may not

3:44:01

we will find out if we have a third party arborus but there's a way we have to keep the public away from not having

3:44:10

tens of millions of dollars in lawsuits I've heard here how

3:44:15

little of a risk it is in February and March there were three people killed in the city state of Washington February

3:44:22

and March two in isqua one somewhere else from trees falling on them two of them are motorists so I've heard a lot

3:44:29

of data I take those things into consideration when I have to think about Public

3:44:35

Safety I will be willing to work with coming up with a reasonable time to find

3:44:43

out where we can find another Arbus to get a third-party input and then what that amounts

3:44:50

to thank you that's all I ask that's all I'm asking is for independent thirdparty assessment I understand the risk I'm not

3:44:57

questioning the risk I'm just asking to follow the science and the scientific method that's all I'm

3:45:03

asking so we can put out a proposal we we'll move forward as

3:45:09

quickly as possible all right I have a question mayor mayor one

3:45:15

one second council member gobby uh I'll do coun I go I'll do council member

3:45:20

Kathy then I'll do council member gobby and I saw I saw Council M Jefferson's um hand up

3:45:28

so this is the vague part that upsets me and upsets the community or that people

3:45:35

I hear from is we have to continue with the items that we were go we were headed

3:45:42

toward or that we were going to do what are these items that you would want

3:45:47

to do with the tree or at the tree or whatever uh in the meantime it's kind of

3:45:54

like the statement where um it's on the website and it was we got it in an email

3:46:01

where um administrator Park she wrote the the

3:46:07

the council I mean the city is not going to do anything right now well so people

3:46:13

went right now means what means how long means you know what are you going to do

3:46:20

when you do it that kind of thing so to say that we're going to get an arborist

3:46:26

but we're going to continue to do the items we were going to do before we talked about this oh the mitigation part

3:46:32

what are they the mitigation Road R rerouting traffic moving people away

3:46:38

from the tree so I um council member Kathy the statement that's crazy why are

3:46:46

we spending our time on that may I please answer yes question thank you so

3:46:51

the statement on the on the website wasn't intended to be respectful of the legal proceedings that were that were

3:46:57

that were in process we're not going to do anything while we're asked not to do anything by the

3:47:03

law the measures that we're looking at right now one of the things that we did do is we put the fence up around the

3:47:09

base of the tree we are going to be talking to the port of Olympia about them needing to do um added control of

3:47:17

their parking during any and all of their events we have been looking at

3:47:22

what it would take to um uh detour uh close that section of Old Highway 99 and

3:47:29

and Detour traffic there are some concerns about doing that as well in

3:47:35

terms of some of the roads that you are going some of the intersections and the roadway geometry that you're going to be

3:47:42

sending these at this 20,8 around are of concern so we need to look

3:47:47

at how that actually can be done appropriately that's what the engineering department is working on

3:47:52

we're also talking out about potentially shifting and providing at least a temporary lane of travel um to the east

3:48:00

of the existing roadway outside the drip line of the tree as a way to do that on

3:48:05

a temporary basis but those are the things that I meant specifically I don't have the details

3:48:11

for those I don't have the costs of those if close the road for a period of time for more than 12 hours at a time it

3:48:18

requires Council action I believe that's the reference the mayor was making that if we move forward there are things that

3:48:25

the council is going to have to do in order for us to be able to proceed um

3:48:30

and and that's what we're currently looking at and investigating and so this is temporary

3:48:36

what you're talking about temporary for now um and something you were going to do no matter what or we or or but I mean

3:48:46

why why would you be doing all of that before an assessment I mean why are why

3:48:52

are we going to all of this trouble and spending this money I mean I understand not having people Park under it or

3:48:58

something like that but this whole Road thing and whatever why would we be spending money on that until we see what

3:49:05

this assessment is we were planning to do that based on the possibility that

3:49:10

there would be an extended court process that would prevent us from remov moving the tree which was the intended purpose

3:49:18

is to provide Public Safety that was why we were looking into it already what I understand from the

3:49:24

mayor is that she's willing to put a pause on my what I understood from her

3:49:30

to me as her employee is she's un she's willing to look at a reasonable time

3:49:36

frame to have a thirdparty um analysis uh risk assessment completed um I

3:49:43

understand that to be a full risk assessment not necessarily a full risk assess peer review okay and that and

3:49:50

that in the interim that we needed to try and continue with our work to identify these measures that would

3:49:56

provide um safety to the traveling public in that period of time until

3:50:01

there is a change in the ordinances until there's a change in at this point in time the mayor's decision it that's

3:50:09

why I'm using the word interim or temporary because that's what I understand it to be at this point in

3:50:16

time thank you council member Gabby thank you mayor so I was uh

3:50:25

wondering we don't have to have a date certain with which uh this new har is going to do the

3:50:34

assessment but we do need a time frame with which we will have as our official

3:50:41

time because we are a government entity we need we we do need to say on today

3:50:47

June 4 that we said that uh we would keep the tree up for 3 four months and

3:50:55

this is what is going to happen so I am asking do we need Karen do we need to

3:51:01

have a time frame at least to have the aies be on

3:51:10

board thank you

3:51:16

it's my understanding from the mayor that she would like us to have that third-party review done and I would

3:51:22

assume that and she can clarify that the reasonable time that she mentioned in her first statement was the the time

3:51:29

that it would take for a thirdparty UR to get that risk assessment completed

3:51:34

and again I apologize I don't know how long is a reasonable time in that context we could certainly um evaluate

3:51:42

that and and get back to you and and I'm sure that will be defined by when we get

3:51:49

uh have an arbest they will be able to perform that timeline of when that would be done so and then there would be a

3:51:57

review so I don't know if we can put a timeline on it at this moment that would

3:52:02

be just pure guessing thank you I I I also agree with um that

3:52:11

reasonable time because if this tree is at the condition that our arborus has

3:52:18

told us which will take an emergency I understand the grave risk to the

3:52:24

community and the Mayors concerned I would also um ask that you involve our

3:52:31

our native partners and our native tribes because as you can see today with the

3:52:37

conversation um can you approach them and get them involved with the decision making

3:52:43

perhaps so let yes council member Jeffers let me clarify that I have reached out to the

3:52:49

Nali the squaxin the chahalis and the cets and I received information back

3:52:57

except from the cets the cets I did not hear back from I have had uh support

3:53:03

from other tribes and I have talked to other chairs there has been change in

3:53:09

leadership in two of those tribes being the Nali and the Ki

3:53:15

so we are basically starting from Ground Zero developing those relationships uh

3:53:21

council member dhof was actually with me when we had our joint meeting with the squaxin tribe uh earlier and so we do

3:53:29

have those great conversations I have had in the last two weeks numerous

3:53:34

conversations with Dustin who is the uh chair of the chahalis tribe they're very

3:53:41

familiar with what we are talking about and unfortunately we've had change in

3:53:47

leadership and so all my conversations with n squali i have to start

3:53:53

over I understand that I take great value in my relationship with all of the

3:54:01

tribes I was able to get a Joint Council with the squawkin tribe that takes work

3:54:07

that takes relationship building so I really want to set the record straight that I am not just ignoring the tribes I

3:54:14

very hard to develop a relationship with the tribes and so I just want to make that

3:54:21

record clear that I am in good standing with several tribal chairs and have

3:54:28

those conversations and I fully understand I have two new chairs that I need to develop a relationship with

3:54:36

because they are brand new this week thank you mayor thank you

3:54:47

so moving forward so I would say at this point for the discussion of this we will

3:54:53

be moving forward with an independent thirdparty arbis and I want to make it perfectly clear it is no one who has had

3:54:59

input into this process in any way shape or form at this time because I want it

3:55:06

fully independent with no bias and then we will go ahead and do

3:55:13

that that will give give us an opportunity to understand a timeline when this will happen and I also put it

3:55:19

on Council that we need to keep this public safe we need to do what we need to do to mitigate the danger of

3:55:26

individuals being exposed to this tree and could be injured or killed and

3:55:33

I'm putting that on the council to work with me to make sure that happens

3:55:38

because there's limited things I can do as an executive which includes rerouting traffic and I will have to have

3:55:44

council's assistance in that process thank you mayor all right so that is my

3:55:53

decision all right anything else on this topic thank you for listening so with

**END OF COUNCIL DISCUSSION ON PROPOSED ORDINANCE RE: OAK TREE**

3:56:00

that we're going to go to committee reports and since we're almost at 11 o'clock I would request that maybe we

3:56:07

skip committee reports for this evening and I I do I just don't think

3:56:14

there's too many things that we need to do other than I just want to make mention that we have dog days at Pioneer

3:56:21

Park this Saturday and juneth celebration on the 15th which is the following

3:56:28

Saturday Council yes administrator Parks yes it's late I just wanted to make sure

3:56:35

that the council members had read the Friday update from this last week about two things one our schedule of meetings

3:56:43

over the next course next several weeks we've got one cancelled we're planning to continue to hold the one in July we

3:56:51

have suggested in order for timeliness purposes that we're going to have one

3:56:56

consent item one or two consent items at our work session on the 25th of June which is unusual and then the only other

3:57:03

thing I wanted to draw your attention to on that Friday update is that we do have some joint work sessions planned with

3:57:09

the city with Excuse me with the Planning Commission um there is one on June 25th and one on July 9th uh the

3:57:17

important consideration of those work sessions is that we hope to have those more highbrid typically our Council work

3:57:23

sessions are fully remote when we're meeting with the Planning Commission for the first hour of your work session we'd

3:57:29

like to do it here we've been doing our management team meetings in the room here with with um uh remote access and

3:57:36

it's not ideal but it will work and then once you finalize your work um for the

3:57:42

evening with the Planning Commission they'll move their meeting to the sunset room and you can continue with your

3:57:47

items and so just drawing your attention to that so on June 25th at 6 PM that is

3:57:53

the first one and then on July 9th and those are the only two before the August recess we'll make sure that we get you

3:58:00

um good information about those dates um and Logistics as we get um after the

3:58:05

after the August recess all right anything else for the good of the

3:58:11

order with that we're adjourn thank you

English (auto-generated)

<https://www.youtube.com/watch?v=iaI_QtYvaGQ&list=PLE_nN-qDbnQqYIEbBFpMH9GFJyyM3CfSw>