

1 EXPEDITE
2 No Hearing Set
3 Hearing is set
4 Date: 9/6/2024
5 Time: 9:00 am
6 Judge: Egeler
7
8 Calendar: Civil

9
10 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
11 **IN AND FOR THE COUNTY OF THURSTON**

12 SAVE THE DAVIS-MEEKER GARRY OAK,

Case No. 24-2-01895-34

13 Plaintiff,

14 vs.

SUPPLEMENTAL DECLARATION
OF RONDA LARSON KRAMER IN
RESPONSE TO DEFENDANT'S
MOTION FOR ATTORNEY FEES

15 DEBBIE SULLIVAN, in her capacity of Mayor of
16 Tumwater

17 Defendant.

18 I, RONDA LARSON KRAMER, make the following declaration:

19 1. I am one of the attorneys of record for Save the Davis-Meeker Garry Oak
20 (SDMGO). I have knowledge of the facts stated herein and am competent to testify.

21 2. Attached as **Exhibit F** is a true and correct copy of an email from Tumwater City
22 Councilwoman and Mayor Pro Tem Leatta Dahlhoff. The email was sent on May 23, 2024, at
23 4:11 p.m. to the mayor. I also was copied on its transmission. I have redacted email addresses
24 and added an underline.

25 3. In this email, Councilwoman Dahlhoff asked the mayor, "Does a budget
amendment have to be presented prior to the removal of the Davis Meeker Gary Oak Tree?" The
email explains that I was being copied because I, too, was seeking clarification of whether the

1 city council would need to approve a budget amendment to enable the mayor to carry out her
2 plan of removing the tree.

3 4. Five hours after I was copied on this email, I sent a response email to
4 Councilwoman Dahlhoff informing her of what I had just learned—that the mayor was now
5 planning to remove the tree that weekend. In this email, I wrote to Councilwoman Dahlhoff:
6 “The mayor accepted a bid [and] wants it taken down this weekend. So that answers your
7 questions.”
8

9 5. I sent my response email to Councilwoman Dahlhoff at 9:07 p.m. on May 23,
10 2024, immediately after receiving a text message alerting me of the mayor’s plan to have the tree
11 removed Memorial Day weekend. I then drove home and spent the entire night preparing a
12 request for an injunction and temporary restraining order.

13 6. The email from Councilwoman Dahlhoff to the mayor demonstrates that even
14 within the city itself, there was confusion as to whether the mayor had the authority to carry out
15 the removal of the Davis Meeker oak on her own, or whether she needed further approval by the
16 city council.

17 7. I also was unaware before the night of May 23, 2024 that the mayor had decided
18 definitively to remove the tree, and I likewise had no idea that she planned to do so Memorial
19 Day weekend. In particular, when I testified at the May 21, 2024, Tumwater City Council
20 meeting, I said, “People make mistakes. It’s OK to make a mistake. You can always fix it. And
21 that’s what I’m here to ask to be done.” I made this statement at 38:27 in the recording here:

22 [https://www.youtube.com/watch?v=RbAQ0ctEii8&list=PLE_nN-](https://www.youtube.com/watch?v=RbAQ0ctEii8&list=PLE_nN-qDbnQqYIEbBFpMH9GFJyyM3CfSw&index=6)
23 [qDbnQqYIEbBFpMH9GFJyyM3CfSw&index=6.](https://www.youtube.com/watch?v=RbAQ0ctEii8&list=PLE_nN-qDbnQqYIEbBFpMH9GFJyyM3CfSw&index=6)
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25

1 8. In making this statement, I was referring to the mayor and city administrator. The
2 minutes of the meeting attached to Mr. Meyers' September 4, 2024 declaration (Ex. 3 at 6)
3 incorrectly state that I "asked the Council to fix the mistake." The rules for public testimony do
4 not allow one to name who one is referring to, which is why I did not say who I was referring to.

5 9. I was asking for the mayor (not the council) to fix her mistake because I believed
6 the mayor could be swayed by public testimony and statements of city councilmembers to get a
7 second risk assessment or to order mitigation measures like pruning and cabling. At that time, it
8 was clear to me that this sentiment that the mayor could be swayed was shared not only by those
9 who testified but also by city councilmembers who made statements.

10 10. I did not initiate action to obtain a temporary restraining order until I discovered
11 that we were all wrong. Only at 9:06 p.m. on May 23rd did I realize that the mayor was not going
12 to change course and that the council had no role in approving a budget amendment in advance
13 of the tree's removal.

14 11. Luckily, the mayor *was* capable of changing course at the Tumwater City Council
15 meeting on June 4th, but only after hearing numerous extraordinary comments. There were 39
16 members of the public who testified for three minutes each at that meeting. There were so many
17 members of the public that attended in person (in addition to many people on Zoom) that staff
18 and Councilman Michael Althauser hurried to bring in extra chairs at the start of the meeting.
19 After the public testimony ended, every single council member spoke at length as well. All of us
20 were pleading with the mayor to save the tree. The meeting was historic. It lasted for four hours.
21 During the public comments portion, it happened multiple times that just when I thought it could
22 not get any better, the next person in line to testify would outdo the previous person. That is
23 what it took to get the mayor to change course and to agree to a second risk assessment.
24
25

1 I declare under the penalty of perjury of the laws of the State of Washington that the
2 foregoing is true and correct to the best of my knowledge.

3 EXECUTED this 5th day of September, 2024, at Olympia, Washington.
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6

7 RONDA LARSON KRAMER
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1 **CERTIFICATE OF SERVICE**

2
3 I certify that I served a copy of the foregoing document on all parties or their counsel of
4 record **via email:**

5 Jeffrey S. Myers
6 Jakub L. Kocztorz
7 LAW, LYMAN, DANIEL,
8 KAMERRER & BOGDANOVICH, P.S.
9 P.O. BOX 11880
10 OLYMPIA, WA 98508-1880
11 jmyers@lldkb.com
12 jkocztorz@lldkb.com
13 lisa@lldkb.com
14 tam@lldkb.com

15 Bryan Telegin
16 Telegin Law, PLLC
17 175 Parfitt Way SW, Ste. N270
18 Bainbridge Island, WA 98110
19 Bryan@teleginlaw.com

20 I certify under penalty of perjury that the foregoing is true and correct.

21 EXECUTED this 5th day of September, at Olympia, WA.

22 

23 RONDA LARSON KRAMER
24 Attorney for SDMGO
25

Exhibit F



Re: Budget Question

1 message

Ronda Larson <

Thu, May 23, 2024 at 9:07 PM

To: Leatta Dahlhoff <LDahlhoff@ci.tumwater.wa.us>

Leatta,

The mayor accepted a bid wants it taken down this weekend. So that answers your questions.

Ronda

Sent from my iPhone

On May 23, 2024, at 4:11 PM, Leatta Dahlhoff <LDahlhoff@ci.tumwater.wa.us> wrote:

Hi Mayor and Administrator Parks,

I wanted to circle back on last Tuesday's work session. Towards the end of that meeting, a question came up regarding the budget allocated for an administrative function that has not been specifically budgeted and approved by Council. There were two options noted. One was to do a budget amendment. One was that money would be allocated.

I am including Janine and Rhonda in this email for transparency and efficiency as they are also seeking clarification on the budget subject.

1. When will council be presented with an update regarding the budget?
2. Does a budget amendment have to be presented prior to the removal of the Davis Meeker Gary Oak Tree?
3. Will funds be taken from the Tree Fund?

Thank you for clarifying next steps,

Leatta Dahlhoff | Tumwater Mayor Pro Tem (she/her)

City of Tumwater

555 Israel Road SW | Tumwater, WA 98501

C (360) 358-1915

ldahlhoff@ci.tumwater.wa.us | www.ci.tumwater.wa.us**EXHIBIT F**