

DRAFT
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MOVE FORWARD TO VOTE.**

January 12, 2022

Ms. Ann Davison, Seattle City Attorney
Office of the Seattle City Attorney
701 Fifth Avenue, Suite 2050
Seattle, WA 98104-7097

RE: Welcome and Seattle Urban Forestry Commission inquiry regarding possible legal matter

Objective of this letter:

- Inquire with the City Attorney of a possible city procedural matter that may involve legal advisement.
- Response by the Office of the Seattle City Attorney regarding procedural matters as defined by the Seattle City Code.

Dear Seattle City Attorney Ann Davison,

Congratulations! The Urban Forestry Commission (UFC) would like to welcome you to your position with the City. We look forward to working with you and those in your office.

The UFC seeks advisement from the Office of the City Attorney regarding the UFC enabling legislation. We previously reached out to the outgoing City Attorney but realize that correspondence was so late in the term that a new letter is now in order.

The City passed [Ordinance 123052](#) in August 2009 establishing the UFC to advise the Mayor and City Council concerning the establishment of policy and regulations governing the protection, management, and conservation of trees and vegetation in the City of Seattle. Paragraph 3 identifies this role: “To provide recommendations on legislation concerning urban forestry management, sustainability and protection of associated trees and understory vegetation and related habitat on public or private property prior to its introduction and referral to any Council committee...” The UFC frequently is not engaged in relevant policy making prior to its introduction to public committees and hearings, relegating the UFC role to simply commenting on established policy directions. A past example is the collaboration asked of the UFC and City staff by Council for Statement of Legislative Intent SLI MO-001-A-002, that never took place despite numerous requests to discuss initiated by the UFC.

There are practical rationales for why this collaboration is important. As the UFC outlined in its November 10th letter, not working in collaboration means 1) the UFC’s role is reduced from recommendation and meaningful co-construction of policy to simply commenting on established policy; 2) it strains relationships between City staff and UFC; 3) it leads to recommendations Council

and Mayor receive that are disjointed, uncoordinated, and ill informed; and 4) importantly, urban forestry operations and the environment are negatively impacted by delays and inconsistencies. A current and timely example of this is the process relative to introducing tree protection regulations including the role of the UFC. City Council Resolution 31902 establishes a work program and included a timeline for updating the City's tree protection regulations.

During the UFC's second meeting of October 2021, the Seattle Department of Construction and Inspections (SDCI) provided a tree protections update which indicated that there was a draft in progress to the proposed tree ordinance. The SDCI's intent is to target a SEPA Decision to the proposed Tree Ordinance by the end of the 2021 calendar year, however the UFC has not seen a draft or been invited to comment on this "legislation concerning urban forestry", rather simply review the topics being explored. Fundamentally, we believe that there may be a requirement that the Urban Forestry Commission must review the Department's SEPA DNS and Draft Tree Ordinance prior to them being introduced publicly to Council Committee.

We request that the City Attorney's office provide guidance on:

- 1) What type of document should the UFC expect to provide input on prior to their public introduction?
- 2) What constitutes "recommendations" as provided by the UFC? Specifically, is there an amount of time that the UFC should expect to be able to review and comment on a particular document prior to its introduction?

Much thanks for your time and guidance. We also always welcome City Attorney's office attendance at future meetings for further discussion.

Sincerely,

Joshua Morris, Co-Chair

Julia Michalak, Co-Chair

Weston Brinkley, Past Chair