



Weston Brinkley (Position #3 – University), Chair
Julia Michalak (Position #1 – Wildlife Biologist), Vice-chair
Elby Jones (Position #2 – Urban Ecologist - ISA) • **Stuart Niven** (Position #5 – Arborist – ISA)
Michael Walton (Position #6 – Landscape Architect – ISA) • **Joshua Morris** (Position #7 – NGO)
David Moehring (Position # 8 – Development) • **Blake Voorhees** (Position # 9 – Realtor)
Jessica Hernandez (Position #11 – Environmental Justice) • **Jessica Jones** (Position # 12 – Public Health)
Shari Selch (Position # 13 – Community/Neighborhood)

December 8, 2021

Mr. Peter Holmes, Seattle City Attorney
Office of the Seattle City Attorney
701 Fifth Avenue, Suite 2050
Seattle, WA 98104-7097

RE: 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 Peter Holmes,

The Urban Forestry Commission (UFC) seeks advisement from the Office of the Seattle City Attorney regarding the UFC enabling legislation.

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 our [November 10th letter](#), not working in collaboration means the 1) 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 Urban Forestry Commission's second meeting of October, 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. A response by the end of the year would help us respond to SDCI on this time-sensitive matter. We also always welcome City Attorney's office attendance at future meetings for further discussion.

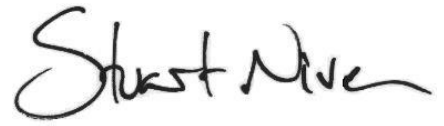
Sincerely,



Weston Brinkley, Chair



David Moehring, Pos. #8



Stuart Niven, Pos. #5

cc: Mayor Jenny A. Durkan, Council President Lorena González, CM Lisa Herbold, CM Debora Juarez, CM Andrew Lewis, CM Tammy Morales, CM Teresa Mosqueda, CM Alex Pedersen, CM Kshama Sawant, CM Dan Strauss, Michelle Caulfield, Sharon Lerman, Urban Forestry Management Team, Urban Forestry Core Team, Yolanda Ho

Patti Bakker, Interim Urban Forestry Commission Coordinator
City of Seattle, Office of Sustainability & Environment
PO Box 94729 Seattle, WA 98124-4729 Tel: 206-684-3194
www.seattle.gov/UrbanForestryCommission

UFC acknowledges the Coast Salish peoples of this land, the land which touches the shared waters of all tribes and bands within the Duwamish, Puyallup, Suquamish, Tulalip and Muckleshoot nations. As a commission, we are continuing our work to build strong and reciprocal relationships with the Indigenous lands and peoples of this city.