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FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2024 MAY 24 AM 9:28

Linda Myhre Enlow
Thurston County Clerk

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EXPEDITE
 No Hearing Set
 Hearing is set
Date:
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Judge:

Calendar:

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

SAVE THE DAVIS-MEEKER GARRY OAK,

Case No. 24-2-01895-34

Plaintiff,

vs.

DECLARATION OF RONDA LARSON
KRAMER IN SUPPORT OF PETITION
FOR TEMPORARY RESTRAINING
ORDER

DEBBIE SULLIVAN, in her capacity of Mayor of
Tumwater

Defendant.

I, RONDA LARSON KRAMER, make the following declaration:

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

2. On May 21, 2024, I attended the city council meeting of the City of Tumwater. At that meeting, the city's attorney, Karen Kirkpatrick, explained to the council what legal authority the mayor was relying on to remove the tree (a registered historical landmark), without a permit. Under Tumwater Municipal Code § 2.62.060, there is a requirement to get a permit to demolish a historic structure. Ms. Kirkpatrick claimed, incorrectly, that the mayor does not need a permit to demolish a historic structure if it falls within an exception. The exception the city is relying on is in subsection (B)(3) of that same code.

DECLARATION OF
RONDA LARSON KRAMER - 1

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P.O. Box 7337
OLYMPIA WA 98507-7337
360-768-0775

1 3. Subsection (B)(3) of TMC § 2.62.060 cross-references a definition in TMC
2 § 2.62.030(K), which defines “emergency repair” as “work necessary to prevent destruction or
3 dilapidation to real property or structural appurtenances thereto immediately threatened or
4 damaged by fire, flood, earthquake or other disaster.” The code plainly requires a permit to
5 demolish a historic structure. There is no exception to the permit requirement in the case of
6 demolishing a historic structure, even in an emergency. The emergency exception allows solely
7 “repair” work necessary to prevent destruction to real property. Thus, no permit would be needed
8 to prune the oak tree to prevent it from causing damage to the building. But a permit would be
9 needed to remove the oak tree.
10

11 4. However, starting at 1:11:29 in the recording here,
12 [https://www.youtube.com/watch?v=RbAQ0ctEii8&list=PLE_nN-](https://www.youtube.com/watch?v=RbAQ0ctEii8&list=PLE_nN-qDbnQqYIEbBFpMH9GFJyyM3CfSw)
13 [qDbnQqYIEbBFpMH9GFJyyM3CfSw](https://www.youtube.com/watch?v=RbAQ0ctEii8&list=PLE_nN-qDbnQqYIEbBFpMH9GFJyyM3CfSw), the city attorney claimed that the code did the opposite:
14 it allowed destruction of this historic structure without a permit. In this way, she flipped on its
15 head municipal code meant to preserve historic legacies of our community and used it to justify
16 destroying a 400-year-old legacy without a permit. She also seemed to claim that this reading of
17 the code was permissible because the code “was not written for trees.”
18

19 5. At the city council meeting, the public outcry was profound. Every person who
20 gave comments was against the mayor’s plan. Arborists also testified that the city’s arborist report
21 was greatly flawed.

22 6. The city was required to notify the tribes before cutting the tree. I have been
23 informed by people who have been in touch with the tribes that the tribes were not notified. The
24 tribes have told my contact that they want to have time to review this before providing their
25 response to the city.

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7. On May 24, 2024, before filing the motion for TRO, I contacted Karen Kirkpatrick, city attorney for Tumwater, and was put through to her voicemail. I left a message notifying her that I was filing the lawsuit and motion for TRO.

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

EXECUTED this 24th day of May, 2024, at Olympia, Washington.



RONDA LARSON KRAMER