

POULSBO AGREEMENT DISTRIBUTION SCHEDULE

SUBJECT: Washington State Department of Natural Resources – Public Tree Inventory (MOU)

CONFORM AS TO DATES & SIGNATURES

- (X) Approved by the City Council: N/A
- (X) Completion: 12/31/2014
- (X) Recorded: Posted to City website

DISTRIBUTE CONFORMED COPIES AS FOLLOWS:

- City Attorney
- Clerk's Department: Original
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- Finance:
- Fire District #18
- Mayor
- Municipal Court
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- Planning/Building
- Police
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Jill A. Boltz
City Clerk

July 10, 2013
Date



WASHINGTON STATE DEPARTMENT OF
Natural Resources
PETER GOLDMARK - Commissioner of Public Lands

MEMORANDUM OF UNDERSTANDING

MOU No. 13-356/K244

This Memorandum of Understanding (MOU) is between the Urban Forestry Program, Resource Protection Division of the Department of Natural Resources, 1111 Washington Street SE, Olympia, WA 98504, referred to as DNR, and the City of Poulsbo, referred to as the City of Poulsbo.

The purpose of the MOU is to define the roles of DNR and the City of Poulsbo to complete a public tree inventory project within City jurisdictional boundaries. We agree to the provisions and statements outlined below.

1.01 Definitions :

Department of Natural Resources - an agency of the State of Washington.

Memorandum of Understanding - DNR enters into memoranda of understanding, in good faith, with public agencies to collaborate on and/or coordinate programs, and to define institutional linkages along broad areas of concern. Memoranda of understanding are not legal contracts and do not strictly obligate the resources of the Department.

Tree Inventory - a record of location, species composition, and physical condition of trees that informs management goals and objectives.

Community Forestry Consultants (CFC) or Contractor - professional tree inventory specialist contracted with DNR.

City or organization - public agency that will receive tree inventory

2.01 Objectives.

- Provide an accurate record of the structure and condition of the tree resource to inform management plans, and budgets.
- Identify management priorities and create a plan of work to address priorities in order to provide maximum public benefits from a safe, healthy tree canopy.

- Quantify the value of the public tree resource.
- Identify potential planting sites.

3.01 Work Activity: The tree inventory will be conducted by Community Forestry Consultants contracted through an agreement with DNR and at no cost to the City of Poulsbo. Although the major scope of work will be accomplished by the Contractor, the City of Poulsbo staff will meet with DNR and the Contractor for a pre-project meeting to discuss the scope of work and data deliverables.

Based on the final summary report, the City of Poulsbo staff will provide DNR with a written proposed course of action toward managing the tree resource.

4.01 Functions/Roles/Tasks of Agencies/Parties:

DNR shall:

- Provide the services of a professional certified arborist for public tree inventory.
- Provide an inventory project summary report that includes field observations, general maintenance and management recommendations.
- Provide technical assistance toward City of Poulsbo maintenance and management plans.
- Provide technical assistance toward achieving the Tree City USA designation, if applicable.

The City of Poulsbo shall:

- Acknowledge submitted application, which includes the contact person, why the community would like a tree inventory, and how City of Poulsbo proposes to use the information and reports, as attachment A to this MOU.
- Dedicate staff resources for a pre-inventory meeting with contractors and DNR, and support the inventory effort by providing city-specific information to the contractor.
- Commit staff resources to provide a written proposed course of action to manage the tree resource within one year of delivery of data. Technical assistance will be provided if needed.

- Respond to a brief follow-up phone interview or survey with UCF to gauge progress toward management and maintenance goals set by City of Poulsbo through the written proposed course of action.

5.01 Terms and Conditions

- (1) **Effective Dates.** This MOU is effective upon final execution by both parties and will end on December 31, 2014, unless terminated sooner as provided herein.
- (2) **Amendments.** This MOU shall be amended only by written mutual consent of the parties.
- (3) **Termination.** Either party may terminate this MOU by notifying the other party, at the addresses given, of the termination and specifying the termination date. The terminating party shall deliver the notice at least 15 days prior to the termination date.

6.01 Indemnification: The City agrees to indemnify and hold DNR, its elected officials, officers, employees, agents and volunteers harmless from any claims, demands, losses, actions and liabilities (including costs and all attorney fees) to or by any and all persons or entities, including without limitation their respective agents, licensees, invitees, or representatives, arising from, resulting from, or connected with the City's negligent performance of the City's obligations or actions hereunder, except to the extent caused by the negligent acts, errors, or omissions of DNR.

DNR agrees to indemnify and hold the City, its elected officials, officers, employees, agents and volunteers harmless from any claims, demands, losses, actions and liabilities (including costs and all attorney fees) to or by any and all persons or entities, including without limitation their respective agents, licensees, invitees, or representatives, arising from, resulting from, or connected with DNR's negligent performance of DNR's obligations or actions hereunder, except to the extent caused by the negligent acts, errors, or omissions of the City.

In the event of a claim, loss, or liability based upon the alleged concurrent or joint negligence of the parties, the parties shall bear their respective liability, including cost, in accordance with their respective liability established in accordance with the laws of the State of Washington.

7.01 Project Coordinators.

(1) The Project Coordinator for the City of Poulsbo is Mary McCluskey, Telephone Number 360-394-9772.

(2) The Project Manager for the DNR is Urban & Community Forestry program manager, Sarah Foster, 360-902-1704.

City of Poulsbo

Dated: 6/13, 2013

By: 

Title: Mayor

Address: 200 NE Moe St, Poulsbo, WA 98370

Phone: 360.394.9880

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Dated: June 20, 2013

By: 
Albert Kassel

Resource Protection Division Manager

Title: Resource Protection Division Manager

Address: 1111 Washington St. SE MS47037
Olympia WA 98504-7037

RECEIVED

DEC 10 2012

RESOURCE PROTECTION

2013 Community Forestry Public Tree Inventory Grant Proposal

APPLICATION FORM

Location (City) Poulsbo, Wa Tree City USA Y N

Name of Applicant (Organization) City of Poulsbo

Daytime Phone # 360-779-9898

Address of Applicant 200 NE Moe Street

City Poulsbo State WA Zip 98370

Contact Person Mary McCluskey Daytime Phone # 360-394-9772

(if different from above)

Fax # 360-779-5917 E-mail Address mmcluskey@cityofpoulsbo.com

By signing this project proposal application form the undersigned agrees that all information is accurate to the best of their knowledge.

Mary McCluskey, Parks & Recreation Director 12/7/2012

Name and Title of Authorized Representative Date

Mary McCluskey 12/7/2012
Signature of Authorized Representative Date

5.1.1 Applicant Information (Application Form)

5.1.2 Overall Project

1. Statement of Commitment

The City of Poulsbo has been a Tree City USA city since 1997. As with many communities, the drive towards becoming a Tree City began with one tree issue in a city park, which was ultimately solved after different people became involved. The Poulsbo Tree Board was created so that additional issues could be solved by being proactive instead of reactive. This kind of citizen and staff input has made the Urban Forestry program successful for over 15 years. City representatives involved with this project will be the contract city arborist, in conjunction with city staff from Parks and Recreation, Public Works, Planning and Engineering.

A complete tree inventory for Poulsbo would be used for three purposes:

- a. To update an initial inventory that was done in 1998. The updated inventory will be placed in a database program that will be easy to access, review, manipulate and use during the day-to-day work of staff members.
- b. To develop a long-term strategy for management of trees on public properties, gauging the condition, management status, health, diversity and needed maintenance of the City's urban forest. This strategy will involve the Poulsbo Tree Board, city arborist and city staff members assessing and reviewing on a regular basis.
- c. To help the city adhere to new stormwater policies. The state is updating its stormwater policies, and communities will have new policies to maintain. Trees will play a major role by helping to reduce stormwater runoff.

It is estimated that the city has about 1200 trees in 75 planting spaces to be inventoried.

2. Planning

The purpose of the Poulsbo Tree Inventory is to help the city staff and tree board, develop a long-term strategy for the management of trees on public properties. Management involves gauging the condition, health, diversity and eventual maintenance of the City's urban forest.

The objectives Poulsbo hopes to accomplish include:

- a. To prioritize maintenance tasks in order to reduce the potential liability that results from hazardous trees.
- b. To experience fewer issues following winter storms, mainly wind and rain events.
- c. To allow public works crews to be more efficient in management, thus saving the city money. The inventory would identify the value of the urban forest, allowing the city to allocate funds for the maintenance, removal and replacement of trees.
- d. To involve staff and the Tree Board in the management of the urban forest.
- e. To better use the standards for the management of trees within public rights of way, facilities and open space, as detailed in the Public Tree Ordinance #2009-09.
- f. To better appreciate and provide public tree education of the urban forest.

The need for this kind of overall plan in Poulsbo is necessary so that staff can be proactive instead of reactive. There are many instances when tree issues become emotional and decisions are not always based on what is best for the tree, surrounding area or community. The city is facing "aging" trees, and storm events which can cause a tree to fail. By having a good tree inventory, trees can be assessed, watched and dealt with prior to failure.

3. Support

Support for this project will come from four areas:

- a. The mayor has encouraged the staff to move forward on the project and will provide support as needed.
- b. The consulting city arborist will be the lead on the project. He will be the lead city representative on the project, along with city staff.
- c. Initial conversation has identified three city departments and the reason why they will be involved in this project. In addition to the consulting city arborist, the city departments include parks and recreation (planning of park projects), public works (maintenance and monitoring of trees) and planning department (permitting on city projects).
- d. The Poulsbo Tree Board will lend support and technical advice on the overall program, and will assist the city arborist when necessary.

A kick off meeting with city staff and the city arborist at the beginning of the project will allow the DNR consultants to get early and important feedback on the city's tree needs.

Letters of support (attached) :

- Poulsbo Tree Board
- Mayor

4. Impacts

The need for this kind of overall plan in Poulsbo is necessary so that staff can be proactive instead of reactive. There are many instances when tree issues become emotional and decisions are not always based on what is best for the tree, surrounding area or community. The city is facing “aging” trees, and storm events which can cause a tree to fail. By having a good inventory, trees can be assessed, maintained, monitored, and dealt with prior to failure.

Follow up activities from staff will come in the form of maintenance schedules and task completion. The Tree Board will review the inventory annually, and how it has been used. Based on the information and results, they can give feedback or make budget recommendations for the next fiscal year.

5.2.3 In Kind Matching

- The city’s consulting arborist will be the city’s lead contact.
- Other city staff will be involved as needed – parks and recreation, public works and planning departments.