

July 12, 2011, City Council Meeting- Public Forum

Mayor Johnson, Council members, and Office of the City Attorney:

My name is Nathan Jacobsen and I am a Sacramento City resident. I have contacted many of you over the last twelve months to express my concerns over City environmental issues and lack of public involvement in City decisions. I have not received any response from the Mayor or any councilmember. I've offered to meet in person to discuss the issues I've raised- those requests have been unanswered.

All the information I am about to provide is a matter of public record and relates to specific information publicly provided by the City.

As you probably know, Sacramento is known as the "City of Trees" and public trees are an important part of the City's identity and urban environment. They provide a wide range of benefits from energy savings, wildlife habitat, water filtration benefits and enhanced property values. Because of their importance to the valley environment, they are protected by City ordinance and specific processes must generally be followed before they are removed.

I have been advised by the City attorney's office that many of the public participation procedures listed in City code are not actually available to the public. After witnessing many 75-100 foot trees cut down throughout the City I finally requested relief in court. The court agreed with my reading of the code and ordered that the City comply with the laws that provide for public input on these decisions.

Unfortunately, that decision has not allowed the public to participate in decisions on how these public resources are managed.

Just this week, three of the trees surrounding a development project on 7th and H were cut down despite my attempts to meet with the director of Urban Forest Services prior to the removals.

As I have learned throughout my efforts to ensure that these decisions about the City environment are made in public I have realized that there is something real to the familiar saying "you can't fight city hall."

Several examples of the futility of my efforts are as follows:

I have appealed tree removals, then been told I had a right to the appeal and meet with City representatives prior to the removal and the following day the tree is cut down before any further discussion.

I have questioned removal notices that were not marked or visible to the public and received the response that the notice was visible at some prior date.

I attempted to provide more data and information to the City before a permit was issued to remove over 50 heritage oak trees at Curtis Park Village. I received no response from the City, and was not informed when the permit issued.

In attempts to appeal to the planning commission, which is the remedy the City advised that I must follow, and had not followed, Commission staff had no idea where to file the appeal or whether the planning commission even was the proper agency to hear the appeal.

When I finally obtained some relief in court, the City served me with a notice of sanctions- seeking monetary penalties and a contempt of court judgment. If filed, this notice would jeopardize my career. As the City Council is the attorney's client, I can only assume the City Council authorized this action.

When I tried to question a city witness before he retired and moved out of state, the city attorney first indicated he would be made available then refused to make him available prior to his final day of employment. This was a public employee to be questioned on public matters.

Finally, I recently was provided copies of communications between Phil Harvey a vice-president for Petrovich Development who argued before the City that many heritage oaks had to be removed from the Curtis Park Village site. He is listed as a City Planning Commissioner on the City's website.

In the public emails, Mr. Harvey on various occasions states:

- "This guy is beyond belief." "Shame on him for not exhausting his administrative remedies." "Mr. Jacobsen hardly comprises the public."
- In response to my questions about contamination on the Curtis Park Village site and efforts to get the City to hear my concerns he states, "He has been arrogant, obnoxious, and dismissive to both City staff and our consultant."
- "He believes he knows more than he does and doesn't even bother to find out the facts before firing off emails."
- "Is there any way to talk to this guy to get him off his issue."

Of course, Mr. Harvey met with council members and staff to discuss removal permits for the heritage oaks at the Curtis Park Village site. I had no knowledge Mr. Harvey was copied on emails I sent to the Department of Toxic Substances Control or to the City.

I am a concerned citizen pursuing these issues on my own time, in my own capacity and at my own expense. I have contacted every group involved multiple times and have stressed that my goal is that decisions be made transparently with all data and information being provided to the public.

These are issues that impact City residents, and the City environment. These are issues important to those concerned about sustainable urban development, public participation in public decisions, and compliance with our environmental and development laws.

I have always been forthright and honest with City staff and interested parties. I was encouraged by unknown City workers who did not agree with the City's decision to cut down a 75 foot tree, to "keep fighting." I will, because I agree with the well known quote "Always stand up for what you believe in, even if it means standing alone."