

Jacksonville Tree Commission

Thursday, February 8, 2018 – 1:00 PM

117 West Duval Street, Third Floor, Conference Room C

Commissioners: John Crescimbeni, Chair
Curtis Hart, Vice Chair
Jeremy Cooper
Aaron Glick
John Pappas
Rhodes Robinson

Advisors: Sondra Fetner
Richard Leon
Kathleen McGovern

Staff: Cindy Chism

AGENDA

Order of Agenda is Subject to Change

A. Call to Order/ Verification of Quorum

1. Roll Call
2. Submittal of Speaker's Cards
3. Approval of minutes from meeting of January 9, 2018
4. Fund balance report for 15(F) and 15(N)

B. New Business

1. Review and adoption of Bylaws, Sondra Fetner, Office of general Counsel
2. plan-it GEO presentation – John November, Public Trust
3. Report on pending tree projects – Richard Leon, Urban Forestry Manager
4. Future meeting schedule (dates/times)

C. Public Comment

D. Information

E. Adjournment

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Commissioners: Jeremy Cooper
John Crescimbeni
Aaron Glick
Curtis Hart
John Pappas
Rhodes Robinson

Public: Tracey Arpen
Anna Dooley
John November
Tom Larson
Leslie Pierpont
Susan Caven

Advisors: Sondra Fetner, OGC
Richard Leon, COJ
Kathleen McGovern, COJ
Jason Teal, OGC

Staff: Cindy Chism

A. Meeting was called to order by Sondra Fetner.

1. All present introduced themselves.
2. Speakers' cards were collected and held by Staff.
3. No minutes to approve for this first meeting.

B. New Business

1. Ms. Fetner opened the floor to nominations for Chair and Vice Chair.
 - Mr. Teal listed some of the duties and obligations of a Chair: The Chair runs the meeting. There is not a large requirement in terms of certification other than knowing how to run a meeting, familiarity with Robert's Rules of Order, setting and following the agenda, with input from staff. The meeting requirements are once per month with the Chair attending. Mr. Teal suggested a discussion in terms of time commitment issues or just uncertainty with how to run a meeting or any other concerns.
 - CM Crescimbeni asked if the only people eligible for Chair or Vice Chair were the people currently sitting at the table: Mr. Robinson, Mr. Hart, Mr. Pappas, Mr. Glick, and Mr. Cooper. Mr. Hart said he would volunteer but pointed out that he wasn't sure having a Developer as the Chair was appropriate. Mr. Pappas listed the breakdown of the Commission; 7 people total, 5 of which are from the general public, 3 of the 5 were appointed by the City Council and 2 appointed by the Mayor. A general public Chair or Vice Chair is important for the make-up of the Committee. Mr. Teal clarified CM Crescimbeni's question regarding those eligible for Chair or Vice Chair. He stated those positions could be filled by anyone on the Commission, there is no restriction. The Council appointee is a full member of the commission. Policy-wise you may want to think in terms about the appearance of the commission, but legally speaking there is no restriction on CM Crescimbeni being the Chair or Vice Chair.

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- CM Crescimbeni noted that Mr. Hart is the only one who has voiced interest in being the chair, which he would certainly support. Mr. Hart remarked he can certainly run a meeting, as he is president of 14 organizations, and knows Robert's Rules; it just depends on what you want on the face of the Commission. Mr. Hart said he wouldn't mind. Mr. Pappas said that with the make-up being 5 from the general public he had no objection to Mr. Hart being the Chair. It's obvious that the general public will have a large role in this commission.
- CM Crescimbeni asked if anyone else had meeting experience. Mr. Glick said he did but was concerned about time commitment as he was VP of SPAR, Springfield Preservation Association, and participates in a lot of committee work.
- Mr. Hart asked if CM Crescimbeni wanted to Chair. CM Crescimbeni said he would if the commission wanted him to but he had plenty of other things he could do. Ms. Fetner added that she didn't believe there would be a lot of time commitment outside of the meeting to be the Chair, other than some phone conversations with staff to figure out what goes on the agenda. CM Crescimbeni said he could start off and once the Commission got up to speed someone else could take over.
- Mr. Pappas recommended CM Crescimbeni as Chair and Mr. Hart as Vice Chair. Mr. Cooper seconded. A vote was taken, there were no dissenters. The motion was passed. CM Crescimbeni is Chair and Mr. Curtis Hart is Vice Chair.

2. Purposes & Duties of the Commission

- Ms. Fetner gave a brief overview of the Commission: The Commission was created as the result of a settlement agreement to help the City in planting trees.
- The City has 2 tree funds, 1 is called the Charter Fund (15(N)) and the other is called the Ordinance Fund (15(F)), attached are the provisions from the Code and Charter (Attachment A). They both operate in the same manner, except that money from a specific bucket goes into a specific fund. For example, if something requires mitigation that trips the City Charter tree fund, that money goes into the Charter fund and shall be used *exclusively for the planting or replanting of mitigation trees and for their maintenance along public rights-of-way and on public lands within Duval County, Florida*. There is a calculation highlighted on Attachment A 24.03(c), which shows how the money that goes into the Charter Fund is calculated.
- The Ordinance Fund (15(F)) is more flexible in terms of what the money can be used for. It *shall be expended for providing trees and incidental landscaping and maintaining trees, within City rights-of-way and on other lands owned by the City, its agencies or authorities, or upon which other ownership control may be exerted by the City, its agencies or authorities, including parks, public areas and easements, and also along all other public rights-of-way and on all other public lands in Duval County. The funds may also be used to pay the salary and benefits of one City Arborist position. The City Arborist must be exclusively focused on the planting of trees and other activities directly supporting planting projects in the City which utilize money from this trust fund*. Ms. McGovern is that Arborist.
- In terms of purpose, if you look at the Ordinance 2017-397 (Attachment B) it details the purposes and duties of this Commission. Briefly it is *to study and make recommendations to the City Council, Mayor's Office, City Staff, and community stakeholders with respect to the planting of trees and the health of the City's tree canopy. (2017-397, Sec 94.105(a))*.

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Information on the health of the City's tree canopy will be compiled by Mr. Leon and Ms. McGovern. They will provide the Commission with real time data-to help the Commission make these recommendations.

- *The Commission will formulate an overall plan for the planting of trees and the health of the City's tree canopy and thereafter to annually review the plan and report recommendations to the Mayor's office(2017-397, Sec 94.105(b)).*
- *The Commission will act as a motivating and coordinating body to encourage joint public and private participation in the planting of trees and the health of the City's tree canopy (2017-397, Sec 94.105(c)).*
- *Also the Commission will review and make recommendations concerning the city's tree protection and landscape regulations (2017-397, Sec 94.105(d)).* That would be the Ordinance Code dealing with tree protection there is also a landscaping regulation within that, Chapter 12 of 656. Those are your purposes. Are there any questions?
- *The Commission's role is advisory. Council Members and the Mayor's office can plant trees without coming to this Commission first. This Commission's role is not to review the use of the funds but to encourage the use of the funds. You'll advise and make recommendations to the Council or the Mayor's office but they don't have to come to you for any planting.*
- *Ms. Fetner read the duties listed in 2017-397, Sec 94.106(a-k). (a) The Commission will act as a coordinator for programs, projects and activities related to planting projects and the health of the tree canopy between all public and private entities; For that duty we foresee community stakeholders and the public will come to this body and say we have a need for trees on this public right-of-way or in this public park and we would like for this Commission to make a recommendation to use funds do this planting project. In that respect you'll discuss it as a Commission and decide if you agree with this planting project; how much you should put in; what type of trees should be put in; you can go very in depth on the project. As this is the first meeting, we're not exactly sure how it will go, but we put this in the duties section assuming that's what will happen.*
- *(b) Review expenditure proposals and plans for planting projects;*
- *(c) Prioritize planting projects based on established criteria for recommendation to the Council.*
- *(d) Formulate a recommended priority project list. An estimated implementation cost for each item for tree planting and canopy maintenance and to annually review the priority project list and report recommendations to the Mayor's office.* Ms. Fetner asked Mr. Leon if he had a priority project list yet, or was that something which needed to be developed. Mr. Leon said we have several projects ongoing but they are not prioritized. Ms. Fetner suggested that would be something this Commission could look at if there are projects which should be prioritized but aren't started yet we could discuss that today, if you are prepared. Mr. Leon pointed out that the Commission could utilize the software which was purchased, Plan-it Geo, to develop their own projects which could run parallel to the ongoing City projects. Plan-it Geo will be explained later in more detail.
- *(e) Coordinate the maintenance of an inventory of the urban tree canopy with an emphasis on historic trees, exceptional specimen trees and other unique environmentally significant trees within the City.*
- *(f) To assist in the establishment of education and outreach programs to encourage proper management and maintenance of trees on private property in the City.* The trees that are

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paid for with the tree funds cannot be put on private property. They are limited to the City right-of-way, City public, Agency, and Authority lands. We don't want to completely ignore private property so this Commission will have a role in encouraging safe practices with trees and encourage plantings on private property as well.

- *(g) Conduct research studies, collect and analyze data and prepare maps, charts and plans for the accomplishment of its purposes.*
- *(h) Identify issues relative to the health and protection of public trees and recommend solutions to problems identified.*
- *(i) Recommend and help develop opportunities for the City's grant writing office for grants and solicitation of donations to support the city's tree canopy.*
- *(j) Perform an annual audit of funded projects, the status of the inventory, and tree permits submitted to the City to be included in an annual report to the Mayor's office and City Council.*
- *(k) Develop and maintain a tree canopy and existing tree inventory.*
- There are a lot of things listed but the Commission needs to have the ability to look at all aspects of the tree canopy in the City. All items may not get checked off this year but we wanted to make sure you have the ability to do that.
- Mr. Pappas commented that when you see the points for reporting to the Mayor's office it is an effort to identify projects for the coming year for fund allocation in time for the budget process. This Commission could play a big role in this effort. CM Crescimbeni added that this "big role" will probably require more than once per month meetings and maybe even some sub-committee work to prepare for that budget process.
- CM Crescimbeni noted the City has collected mitigation funds from people who have removed protected trees for years. The expenditure side of putting those dollars back into the ground as living trees, which is what those mitigation funds are for, has been somewhat willy-nilly. A Council Member has a project here or Mayor's office wants to plant some trees there, there is no master plan. So something this Commission has the opportunity to do is to develop a long range plan. Because the dollars are being paid into the mitigation fund at a much more rapid rate than they are being expended they are not fulfilling their intended purpose. We are gathering green but its green sitting in a bank account but it's supposed to be green sitting on public property. It may be as much as 18-20 million dollars which does not belong in a bank account it belongs doing what it was intended to do to replace a tree which came down pursuant to the ordinance codes. I think the top objective is to develop some sort of plan using the tree inventory from Plan-it Geo to figure out where the needs are. I anticipate an opportunity to hear from Council Members, Civic Organizations, perhaps the school system, and/or the park system, what they think is needed and marry that up with the Plan-it Geo survey and come up with some kind of plan that pushes in the direction to disperse those funds and get them out of the bank account and into the ground.
- Mr. Leon passed out a list of the current 2018 COJ Planting projects (Attachment C) with areas. These are being paid for from the Ordinance Fund (15N). Most are by request of City Council members and some are Hurricane Irma tree replacements. There is no budget allocation City-wide to replace some of the trees which came down in the Hurricane. In District 14 there is one for several large Laurel Oaks. There is separate legislation for each item on the list. Dollar values will be added for each item (Ms. McGovern).

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- It was pointed out that there is a need to establish how much money is available and how much money each of the projects on the current 2018 COJ list is required.
- Mr. Leon also informed the Commission of the new website which will be going up soon. It will enable anyone to track the spending of the tree fund. He also suggested that perhaps OGC would educate the members of the Commission on how the Tree Fund money is appropriated so everyone understands the process. The Commission can then have their own tree projects in parallel with the COJ projects. The website will show exactly the amount of funds available. Mr. Provenza was able to provide the numbers as of this morning: Ordinance Fund (15F) available for appropriation is \$17,347,831.52 and the Charter Fund (15N) has \$3,619,135.55. In the future the available funds will be listed on the agenda (Cindy Chism).
- Mr. Hart requested a presentation on the Plan-it Geo software. City dollars were appropriated and a contract with the Environmental Protection Board (EPB) for purchase of the Plan-it Geo software. John November, from the EPB, explained that the Plan-it Geo tool takes a 1 meter satellite image map of the entire 700+ square miles of the City, so we know where every tree is on public and private property. Then we overlay a GIS layer and include socio-economic factors, environmental factors, Council districts, and census blocks, so we can have a general idea where the trees are and where they are not. Then we look at what criteria of a city do we want to look at to plant trees. We can adjust these factors to use science and data driven decisions on where to plant trees. This software is compatible with any GIS software. This software has been used in hundreds of communities across the country. A more detailed presentation will be done at the next meeting.
- Mr. Leon informed the Commission that there is a ground-up inventory on individual trees which has been done by Public Works in Riverside, Avondale, most city parks and Springfield. There is funding to continue this inventory in the summer.

3. Sunshine Law, Public Records Law, Ethics Overview

- Ms. Fetner gave a brief overview of the Sunshine Law and Public Records Laws which you must adhere to as a member of a Commission.
 - i. Sunshine Law, Florida Statute 286.011, has 3 requirements: that the meetings must be accessible to the public; there must be reasonable advance notice of the meeting; and that all meetings must have minutes. This is all so the public has transparency of their local government. There will always be an advance notice, we have an agenda, agendas are not legally required but we provide them to help guide the meeting.
 - ii. There is also Florida Statute 286.0114 which requires this Commission to offer the public an opportunity to be heard. That opportunity must come prior to a decision being made. It is not required to be at the same meeting or immediately before the decision is made but within reasonable proximity, however it must be prior to any vote.
 - iii. A Meeting. There are other things that can be considered a meeting. If you are speaking to another Commissioner about the business of this commission or speaking about any decision or recommendation that's coming before the commission, that is considered a meeting and must be noticed. Be careful you are not creating a meeting, for example, if Mr. Pappas meets Mr. Glick at Publix they cannot discuss some decision which will be coming before the Commission. Another example is Mr. Leon sends an email to the Commission members listing the topics for the next meeting. Do not reply all. Only reply

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to Mr. Leon. Once you reply all and a conversation begins among you that is a meeting and must be noticed and is technically a violation. You must not talk about the business of this Commission outside of the public between 2 or more of you. You may speak to any of the City staff individually, that's not considered a meeting. You can send a statement of your position or future actions you intend to take as long as you don't ask for comments and you don't start a conversation. It is recommended you make all decisions at the meeting and not inform your fellow Commissioners of your intentions; it creates a look of impropriety. Mr. Teal clarified that there should be no discussions with any other Commissioners; in person, text, emails or even using a 3rd party. Those communications all have to be held as a noticed meeting. If it is about business that is or is likely to come before the Commission, it must be noticed. Notice of the meeting needs to be done 24 hours in advance. Minutes will be kept and possibly uploaded to the new website. (Mr. Leon will make getting this website up a priority)

- iv. The Penalty for violating the Sunshine Law could be a civil penalty up to \$500 as well as lawyers' fees and may be against you personally. It may invalidate your action or the vote that was made. Also, negative press. It's best to err on the side of caution. If you have any questions at all, please contact Ms. Fetner or Mr. Teal. This briefing is considered your Sunshine Law and Public Records training.
- v. Public Records Requirement is any document created at this Commission or presented becomes public record. For example, a community stakeholder comes and presents a project they would like you to recommend, that presentation becomes a public record. We will request a copy of it in case we receive a public records request. Any paper, emails, anything that is presented to you, documents or recordings are public records and need to be preserved. Your own notes or notes you take on your agenda, that's not a public record; those are for your sole use. Assume everything you create regarding this Commission is a public record. There will be a master documents file, so any documents presented at the meetings will be held in that file or possibly uploaded to the website. The Commissioners are not required to keep them. If a COJ employee emails you, there is a copy retained on the City server. However, if a member of the public or anyone outside emails or sends anything to anyone on the Commission, it must be kept. It is recommended that a separate folder be created in your email for these types of documents or emails but you are not required to give out your email address to be contacted that way.
- vi. Mr. Teal explained ex parte communications. Ex Parte means discussions outside of a public meeting. This isn't technically a quasi-judicial board but there's appearance of impropriety and there's what's illegal. The laws are very definite on what's illegal and what's not. We also want to protect the integrity of this Commission. Meaning, so it doesn't look like back door deals are being made; it doesn't look like people are reaching out to you individually to get preferential treatment; it doesn't look like you're affording one party more time than another in a meeting; or access to you that another party doesn't have. There's a fairness factor. You are as accessible to people as you want to be. You are not required to engage with anybody. If you want to we cannot legally prohibit you from engaging with folks in terms of ex parte. If someone picks up the phone and calls you or someone runs into you at Publix and they try to talk to you about Commission business, you can feel free to engage in that discussion if you want to. We have some

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Commissioners who will not engage outside of the Commission as a policy. There are 3 minutes at each meeting to address us there. Others have a more open door policy, about discussing different things that come before them. It is however recommended that you do disclose that conversation or discussion; when it happened, what was discussed and with whom prior, to any vote. As this isn't a quasi-judicial board there's no legal requirement for you to disclose those ex parte communications because your decisions here are not based on evidence submitted at this meeting. This is an advisory group. You still have to conduct your business in the Sunshine; you are still subject to public record laws but it's not as stringent for you as someone who actually makes a decision for the City. Send any public records requests to Staff Support immediately.

- vii. Mr. Cooper asked if documents are shown to us or submitted to us are they public records. CM Crescimbeni replied, yes, if you keep a copy of it. If someone just shows you something and takes it back with them, it would not be. As a reminder, this Tree Commission was created out of settlement agreement litigation against the City. So there may be additional scrutiny especially from the folks who were plaintiffs in the Agreement.
- viii. Mr. Glick and Mr. Robison still require their Ethics Training. Mr. Hart and Mr. Cooper have already completed theirs. It must be completed before the next meeting. Ethics training is required every 4 years. 904-630-1015 Ethics Hotline. (Ms. Fetner will email the next scheduled Ethics Training.)

4. Review and Adopt Bylaws

- There is a draft which will be circulated to the members and it will be on the agenda for the next meeting.
- Sometimes on Commissions there are voting conflicts where the vote will directly affect one of the members in a pecuniary fashion, i.e., you may receive or lose money from a decision before the Commission. If so, you must recuse yourself from the vote. There will be a form for you to complete.
- As a Commission, to pass a recommendation, there are 2 ways to accomplish this: a majority vote would be required. It must be decided what the majority is. There are 7 on the Commission, so there must be 4 for a quorum. For an affirmative vote you would have to have 4 out of the 7 approve it. If someone has recused themselves, we can make it so only the members voting and present are counted or the majority of the commission is required to pass the vote. How many people are necessary to approve or deny an action? This will be decided at the next meeting.
- Meetings are required to be monthly. Currently the meetings are scheduled for the 2nd Tuesday at 10am. Mr. Pappas suggested the meeting move to the 2nd and 4th Thursday, of the month from 1-2:30pm. The new schedule was agreed upon pending conference room availability.

C. Public Comment

Mr. Tracey Arpen, 8338 Daffin Lane, retired attorney from OGC. Thanked the Commission for their service. Since the dissolution of the Landscape Commission there has been no body which took the broad overview of issues regarding trees and landscaping. As CM Crescimbeni pointed out a lot of the appropriation from the tree fund has been on an ad hoc basis as a result the funds have not

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been fairly and wisely distributed around Jacksonville. This Commission gives us the opportunity to put master plans or master guidelines in place which hopefully will be a mixture of City spending and non-profit organizations to spend that money. Mr. Arpen passed out a document with a decision upholding the tree regulations against challenge and why that's important (Attachment D). Mr. Arpen also recommended the Commission distribute a memo from Susan Grandin, OGC, which detailed how the monies from each of the Tree funds can and cannot be spent. He emphasized that the Commission needed to be very mindful of how they distribute the funds.

Ms. Anna Dooley, 4582 Corrientes Circle representing Greenscape. Congratulations to this Commission; it has been needed for a very long time. Greenscape has been planting trees in Jacksonville since 1975. We have planted over 300,000 trees in Jacksonville. We are currently involved in collaboration with the Duval County School Board and City Council to plant a tree at each school which we are seeking funding from the Tree Fund. Ms. Dooley handed out a tree resource guide produced by Greenscape for Jacksonville citizens (Attachment E). Ms. Dooley said the creation of this Commission validated the importance of trees and how much Jacksonville appreciated their trees. This Commission is another layer of security for our trees and tree canopy. There is currently legislation in Tallahassee which would negate any local jurisdiction on tree ordinances. Greenscape has started a program, jaxdigstrees, to unite the whole state to defend trees. We are also reaching out to other organizations in the state. The City Council has already passed a resolution proclaiming our need to retain our tree ordinance. Ms. Dooley requests the Tree Commission take that on as their first order of official business. She thanked the Commission for their service.

John November, 536 South St, representing Public Trust. Mr. November expressed his passion for the trees and tree canopy in Jacksonville. Public Trust brought a lawsuit in 2015 to challenge the enforcement and expenditure of tree funds. In June 2016, a more collaborative approach was taken. At mediation in November, meetings were scheduled every other week with Department Heads, John Pappas, members of the community here, Tracey, Tom, Warren, Tom Goldsbury, Ricky (Leon), Jason (Teal), Sondra (Fetner) a large group, to make this happen. Through that approach we created an enhanced urban forestry department, the Tree Commission was born. This Commission was the number one item on everyone's settlement terms; we need community engagement in the planting of trees in the City of Jacksonville. We are very proud of this Commission and how the City has responded. Now we have the opportunity to revolutionize the tree canopy. You actually can see the embodiment of what the settlement did in the new staff, Kathleen (McGovern) and Dalton (Smith). There was 1 City staff member, Ricky (Leon), and he was overloaded. In other communities across the southeast, like Savannah, there are 12 urban foresters, just as a comparison. Now he has the opportunity to be your staff member, to really work with City Council and take a high level approach to ensure that planting happens in the most impactful way possible throughout the City. This is a once in a generation opportunity. This would be much different if we didn't have 20 million dollars built up in the tree fund. We now have an opportunity to plant those trees over the next 5 years. This is going to be a big endeavor. Thankfully, we can build upon the approach taken in previous years to get those trees in the ground by taking a more systematic strategic approach using a Plan-it Geo tool I want to tell you more about at the next meeting. The Public Trust in collaboration with Greenscape, was given a grant from the EPB to develop this tree survey and the associated outreach program. So we'll be doing that over the next year. I've already told you about

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the tool itself (Plan-it Geo) but I look forward to each of you taking ownership of this important tool and I'll be available to support each of you in using this tool. Over the next month I'd love to sit down with each of you and walk you through the tool. Show you how it works, answer your questions, get you hands on experience using the tool because it really is easy to use but it's important that you get to it. In closing, I don't want you to get mired down in the procedural aspects of the Tree Commission. Instead, I want you to proactively take advantage of the skill set you came in with. You were chosen because you are experts in what you do, whether it be environmental remediation, or GIS, to take a proactive approach and not just be reactive in nature. Create that overall plan and also be reactive but most importantly develop the way that we engage the public in the public process. I, along with a number of stakeholders, Tracey Arpen, Tom Larson and others are developing a way that hopefully will save the City money in the way that we plant trees and get community engagement. *Time extended 30 seconds.

Tom Larson, 887 Marshside Court. What an exciting day for me. Several years ago I began asking about our tree programs in the City and had trouble finding out what was going on and how much money was available. Through my friends in the community including the Public Trust, we had to get involved with a legal approach to it but then we got into a great settlement process that I think is something we should all be proud of because it's become this body being part of the approach that we all can take through our City to advance the tree planting. 300,000 through Greenscape over the last 40 years. I'd like to see us do another quarter million in the next 10 years. We've got a lot of money we've got a lot of interest in community groups. I hope some of us can help bring you proposals which are originated in neighborhoods, by merchant associations or friends of a park or other places and stakeholders that would share in the opportunity to invest in our future. We've got one of the world's largest park systems here in Jacksonville, some of which could use trees. We've got neighborhoods in this community which could use more attention to their beautification and protection from all the different elements. While I speak to you presently as a citizen, I've been involved in a lot of civic processes; I'm also an active leader member of the Sierra Club. Our mission is to enjoy, explore and protect the outdoors. One of the things about protecting our tree canopy is that it adds to the ecological value of our whole community. Birds pass through, we've got all kinds of creatures including bobcats and lots of critters that we don't see much that are in the wetlands. Trees are a big part of providing for that value in our community. I look forward to engaging with you and community groups around the city to bring to you proposals that would be supported by our new tool. I encourage you to go look at jaxdigstrees.org which is a great portal not only to the Plan-it Geo tool but also to the City's own data. The values that are being posted as accretions to the fund and withdraws from the fund are linked to through that website. We've got a lot of opportunity to support you with information and engage in dialog. Thank you for coming this morning.

Leslie Pierpont, 4157 Ortega Blvd. I live in Ortega where we had a lot of damage from Irma not only to our trees but to our homes. I'm the current president of the Late Bloomers Garden Club and 2 of our members formed Greenscape 40 years ago, Ann Baker (deceased) & and Susan Fisher. Our garden club is very interested in providing trees for scenic beauty. Obviously I echo their sentiments too about the environment. Personally I want to encourage you to use native trees and I'd be glad to help, I have a lot of expertise in that. I'm looking forward to meeting Ricky (Leon) and Kathleen

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(McGovern) and Dalton (Smith). I want to thank you for your service. I'm glad the City formed this Commission; I think it's been needed for a long time.

Susan Caven, 2775 White Oak Lane. I live in San Marco. I was born in Winter Park where the tree canopy was really important. They saw the economic, environmental and scenic value in having a tree canopy and they still do. You cannot cut a tree even in your own yard without getting permission. I moved to Jacksonville and became very interested in the tree issues here. I've been president of Greenscape and Scenic Jacksonville. I was on the Landscape Commission and was a petitioner for the Tree Charter Amendment. I am so excited and so thrilled to see the cooperation exhibited today. Thank you so much. The City and the City Council and the School Board and all these environmental groups and neighborhood groups are together and standing shoulder to shoulder and you all are the representatives of that. We are all grateful for your time, for your energy, and your expertise. Listening to Jason (Teal) tell you all the things that are going to happen to you and I want you to know that we are here to stand shoulder to shoulder with you, to help you and give you hurrahs. We thank you so much. This is an absolutely unique situation and I've never seen anything like it. We were battered by Irma and Matthew and as you well know those were older trees that were taken. We need a new canopy going up and you're going to give us the direction. I thank you. I'm just here to say we will help you in anyway, we are here at your service.

D. Information

CM Crescimbeni was reminded by Ms. Dooley to pass onto the Commission information regarding the legislation in Tallahassee she mentioned. We're here today to talk about appropriating funds from 2 mitigation accounts that are contributed by people who are required to mitigate protected trees when they are removed in the development process. There are 2 bills pending in this year's legislature, one in the house and one in the senate. They're both companion bills that would preempt local government; it's preemption at the State level, that would prohibit local governments from regulating tree removal in any shape, form, fashion or requiring any mitigation, etc. The City Council adopted a resolution at our only meeting in December; we took it upon an emergency basis. It was unanimously approved and sponsored by all 19 Council Members. I'm in the process of mailing that to all the Representatives and Senators that will touch that bill if and when it comes to any committees. I think Ms. Dooley was suggesting this body might want to consider taking a position on that. The 2 bills are House Bill 574 and the Senate Bill is 521. It's pretty simple language, they are pretty short bills. I probably should have brought a copy with me today so the Commission could look at them. Essentially it just preempts local government from implementing any kind of tree regulations or requiring any kind of mitigation. If that were to pass at the State level, they tinker with preemptions every year, there is always a preemption that comes out of Tallahassee, some more severe than others, but if that were to pass what would that do to our current tree protection rules that generate the mitigation funds? Mr. Teal noted that it would not automatically strike them from our books but in essence it would make them unenforceable. It wouldn't touch the money we already have; it would be on a go forward basis. CM Crescimbeni further said that the resolution from the Council was basic and talked about the esthetic economic benefits of trees. It talked about how this community had amended our charter in 2000 with a specific article that dealt with nothing but tree protection. It talked a little about the fact that this Tree Commission had been born and last year the Council approved 5 separate pieces of legislation all focused on hiring

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For Approval on February 8, 2018

new additional people to monitor the planting of trees, I think we increased our penalties for mitigation. So if you want to do something today, the Chair will entertain a motion. I doubt that when we come back and revisit this issue at our next meeting, my guess is the legislature is scheduled to conclude at the end of February. We might have a chance to opine. If you want to think about it, I will have Staff distribute the Council resolution, the House and the Senate bills.

Commissioner Robinson provided copies of an article from Arborist News titled Understanding the True Costs of Growing and Planting Urban Trees for informational purposes and a copy was given to each Commissioner at the meeting (Attachment F). No discussion of the article took place.

Next Meeting 1:00pm, February 8th, Conference room 3C.

Parking validation – CM Crescimbeni volunteered the City Council office to validate the parking for the Library garage on the corner of Laura and Main. Take your parking ticket to the 4th floor City Council reception desk and they will give you a green ticket and instructions.

E. Adjournment



TREE MITIGATION

CITY OF JACKSONVILLE



TREE REMOVAL PERMIT INFORMATION

Click here to search detailed information on Site Cleaning and Tree Removal Permits. In reviewing tree removal information on a specific permit, for "B" permits click on the Spec 2 tab for "L" permits click on the Tree Mitigation tab



AVAILABLE FOR APPROPRIATION

15F (Ordinance), \$17,472,447.01
15N (Charter) \$3,676,004.69
Total: \$21,148,451.70



TREE FUND CITY PLANTING PROJECTS

Click here to search detailed information about City Tree Fund Planting Projects



FILE AN ISSUE

Click here to report site cleaning or tree removal without a permit, or to request tree maintenance on public property. In the CARE System, select "Tree Remove or Landscape Violation" from the dropdown

Disclaimer: The AVAILABLE FOR APPROPRIATION information shown on this page is updated nightly from the City's financial records but does not include any pending appropriations, or other financial transactions of the funds which have not been completed



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Version 1.0.0.6

Jacksonville
Tree Commission
Proposed By-Laws

**Jacksonville Tree Commission
Rule 1, Administrative Procedures**

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Section 1, Purpose of Rule

- 1.1-100** Purpose of Rule. The purpose of this Rule 1 of the Jacksonville Tree Commission (“Commission”) is to establish procedures for conducting Commission business and for the internal administration of the Commission. This rule implements Chapters 94 and 50, Jacksonville Ordinance Code. This rule is adopted pursuant to §94.104(d), Jacksonville Ordinance Code.

Section 2, Organization

- 1.2-100** On July 25, 2017, the Jacksonville City Council, by enactment of 2017-397-E (codified in Chapter 94, Jacksonville Ordinance Code), established the advisory commission known as the Tree Commission for the City of Jacksonville. The Commission is subject to all applicable public meetings, public records and ethics laws.
- 1.2-101** The Commission shall be comprised of seven (7) members selected as follows:
- (a) One member of the City Council designated by the City Council President;
 - (b) The Director of the Public Works Department, or his or her designee;
 - (c) Three members of the general public appointed by the City Council; and
 - (d) Two members of the general public appointed by the Mayor and confirmed by City Council.
- 1.2-102** To the extent possible, each of the members appointed by the Council and Mayor shall possess specialized knowledge about trees, the Tree Protection Ordinance, Article 25 of the Charter, and/or the impact of construction activities on trees. To the extent possible, the five members appointed from the general public shall be representative of the categories provided in Sec. 94.103(b).
- 1.2-103** The five members appointed from the general public shall serve for a term of two years or until a successor has been appointed/confirmed by the City Council. Members of the Commission may be appointed for consecutive terms consistent with general laws regulating service on city boards and commissions, however, any member appointed to the Commission for two consecutive full terms shall not be eligible for the next succeeding term. Terms shall conclude on December 31.
- 1.2-104** The Commission may adopt, amend, and rescind procedural rules of the Commission to aid in implementing the provisions of Chapter 94, Ordinance Code. All reports, studies, and recommendations made at the

direction of the Commission shall be approved by the Commission before the same may be presented to the Council.

Section 3, Purpose

1.3-100

The Commission is established for the following general purposes:

- (a) To study and make recommendations to City Council, Mayor's Office, City Staff, and community stakeholders with respect to the planting of trees and the health of the City's tree canopy.
- (b) To formulate an overall plan for the planting of trees and the health of the City's tree canopy and thereafter to annually review the plan and report recommendations to the Mayor's Office.
- (c) To act as a motivating and coordinating body to encourage joint public and private participation in the planting of trees and the health of the City's tree canopy.
- (d) To review and make recommendations, if necessary, to the Council concerning the City's tree protection and landscape regulations.

Section 4, Duties

1.4-100

In implementing the purposes identified in Section 3, the Commission shall have the following duties:

- (a) To act as a coordinator for programs, projects, and activities related to planting projects and the health of the tree canopy between all public and private entities;
- (b) To review expenditure proposals and plans for planting projects;
- (c) To prioritize, with the input of District Council members, proposed planting projects based on established criteria for recommendation to the Council, and, when requested, the Commission may also make recommendations on other proposed tree planting projects;
- (d) To formulate a recommended priority project list, including an estimated implementation cost for each item, for tree planting and canopy maintenance, and to thereafter annually review the priority project list and report recommendations to the Mayor's Office;
- (e) To help coordinate the maintenance of an inventory of the urban tree canopy with an emphasis on historic trees, exceptional specimen trees and other unique environmentally significant trees within the City;

- (f) To assist in the establishment of educational and outreach programs to encourage proper management and maintenance of trees on private property in the City;
- (g) To conduct research studies, collect and analyze data and prepare maps, charts, and plans for the accomplishment of its purposes;
- (h) To identify issues relative to the health and protection of public trees and recommend solutions to problems identified;
- (i) To recommend to and help develop opportunities for the City's grant writing office for grants and solicitation of donations to support the City's tree canopy;
- (j) To perform an annual audit of funded projects, the status of the inventory, and tree permits submitted to the City to be included in an annual report to the Mayor's Office and City Council; and
- (k) To develop and maintain a tree canopy and existing tree inventory.

Section 5, Meetings

- 1.5-100** Meetings, in General. The Commission shall meet at least monthly at 10:00am to 12:00pm in Conference Room C, 3rd Floor, City Hall, or at other times and places as are fixed by the rules of the Commission.
- 1.5-101** Public Meetings. All meetings shall be noticed and open to the public. Members of the public shall be given a reasonable opportunity to be heard before the Commission, in accordance with F.S. § 286.0114.
- 1.5-102** Quorum and Voting. A quorum consists of a majority of the Commission membership. Any item before the Commission for official action shall be decided by a majority vote of those Commissioners present (**or and able to vote**). If any item fails to be decided, it shall be automatically deferred to the next scheduled meeting.
- 1.5-103** Unless otherwise required, the Commission shall conduct business according to Roberts' Rules of Order.

Section 6, Officers

- 1.6-100** Officers, generally. The officers of the Commission shall consist of a Chair and a Vice Chair. The officers shall be elected annually by the members of the Commission at the first regularly scheduled meeting in October, and shall assume their respective offices immediately upon election. The term of each office shall be one year. If an officer resigns from the Commission or is removed from office, the Commissioners, at the earliest opportunity, shall elect a member to complete the term of the officer who resigns or is removed.

1.6-101 Chair. The Chair shall:

- (a) Preside at all meetings of the Commission;
- (b) Appoint the members of the various committees, task forces, study groups, and other bodies authorized by the Commission in furtherance of its purpose. The Chair shall be an ex-officio member of all committees, task forces, study groups and other bodies. The Chair may attend any committee to make a quorum, but his/her attendance shall not increase the quorum requirement. The Chair may vote on any question pending before the committee, but his/her participation shall not increase the minimum number of affirmative votes required to report any matter to the Commission; and
- (c) Sign recommendations, certificates, reports, vouchers, correspondence, etc., requiring the signature of an official of the Commission.

1.6-102 Vice Chair. The Vice Chair shall perform the duties of the Chair at the Chair's direction, absence, disqualification or disability.

Section 7, Staff Support

1.7-100 Public Works Department. The Public Works Department will furnish administrative support to the Commission. The Public Works Director designates a Public Works employee as the staff person responsible for the following:

- (a) Arranging meeting place for regular and special meetings;
- (b) Notifying the Commissioners, City Council members and the public of the meetings;
- (c) Preparing agendas, transcripts and/or minutes of meetings and hearings and distributing copies thereof to the Commissioners and others; and
- (d) Maintaining the Commissions records, correspondence, responses and equipment necessary to conduct each meeting.

1.7-101 Senior Urban Forester. The Senior Urban Forester, or his designee shall assist the Commission in its purpose and duties outlined herein or which, from time to time, may be requested by the Commission, including but not limited to the following:

- (a) Preparing reports outlining the health of the City's tree canopy;

- (b) Recommendations for tree planting projects in accordance with the proper use of tree protection fund monies;
- (c) Communicate with public and private entities regarding proposed planting projects for the Commission's formulation of a priority project list;
- (d) Communicate and coordinate with individual City Council Members regarding proposed projects and recommendations of the Commission related to tree planting projects impacting the Council Member's District; and
- (e) Presenting Commission recommendations to City Council, if necessary or requested.

1.7-102 Accounting Division. The Comptroller of the Accounting Division of the Finance and Administration Department designates a member of the office to provide financial information and accounting support to the Commission pertaining to the tree protection fund balances and encumbrances (15F and 15N, currently).

1.7-103 Office of General Counsel. The Office of General Counsel assigns an attorney to the Commission who serves as the Commission's legal advisor. The legal advisor prepares legal documents including but not limited to administrative rules, advisory opinions, and recommendations related to the Commission's duties.

1.7-104 Orientation of New Commissioners. Preferably before attending their first meeting, newly appointed Commissioners shall receive an orientation from the Senior Urban Forester and Assigned Assistant General Counsel. The orientation shall include a review of the staff's duties, the processes employed by the Department and the Commission in making recommendations concerning the City's tree canopy, tree protection, and landscape regulations, as well as an overview of the Florida Government in the Sunshine law and public records law. The Commissioners are required to attend the ethics training sessions for all boards and commissions pursuant to the Ordinance Code.

Section 8, Committees

1.8-100 Establishment of Committees. The Commission may establish such committees from among its membership as it deems necessary to perform its functions. The Commission may also, from time to time, authorize the establishment of task forces, study groups, and similar bodies to carry out specialized and detailed projects within the scope of its purposes. Any such body may include persons who are not members of the Commission, but the Chair thereof shall be a Commission member. The committee shall report on its progress to the Commission at such times as the Commission

shall require. No report, study, or recommendation, favorable or adverse, may be made by any such committee unless the matter is approved by the Commission.

1.8-101 Quorum. The quorum of a committee is the number of the majority of the committee membership. The Chair as an ex-officio member may attend any committee to make quorum, but his or her attendance shall not increase the quorum requirement. The Chair may vote on any question pending before the committee, but his/her participation shall not increase the minimum number of affirmative votes required to report any matter to the Commission

1.8-102 Functions. Committees shall perform the tasks assigned by the Chair including, but not limited to, investigating, reporting, and recommending action on matters within the scope of the committee's duties. The committee chair may appoint subcommittees.

Section 9, Ethics

1.9-100 Ethics. Commissioners shall, at all times, comply with Chapter 112, Florida Statutes, and relevant opinions of the Florida Commission on Ethics and the City of Jacksonville Ethics Commission. Furthermore:

- (1) Commissioners shall not vote on a measure which inures to his or her special private gain or shall knowingly vote upon any measure which inures to the special gain of any principal, other than an agency, as defined in § 112.312(2), Fla. Stat., by whom he or she is retained.
- (2) Any Commissioner abstaining from voting due to a real or perceived conflict of interest shall publicly state the nature of his or her interest before the vote is taken on an item before the Commission. He or she must then abstain from voting. If the Chair is the Commissioner who must abstain from voting, he or she shall relinquish the chair to the Vice Chair once the item has been called from the agenda for action. When the Commission has taken action on the item, the Chair shall resume the duties of the office of Chair.
- (3) Commissioners abstaining from voting because of conflicts of interest shall file the appropriate conflict report form with the Secretary within fifteen (15) days after the meeting at which the conflict was disclosed. The report form shall be appended to the minutes of the meeting.

ADOPTED AND APPROVED this _____ day of _____, 2018.

Chair, Tree Commission

Form approved:

Assistant General Counsel