

1 Introduced by Council Member Salem:
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3

4 **ORDINANCE 2022-764**

5 AN ORDINANCE APPROPRIATING \$7,000,000.00 FROM
6 THE TREE PROTECTION AND RELATED EXPENSES TRUST
7 FUND, FUND 15304, TO THE "630-CITY TREE PLANTING
8 PROGRAM," "REMOVE AND REPLACE TREE PLANTING
9 PROGRAM," AND "LEVEL 3 TREE PLANTING PROGRAM,"
10 TO PROVIDE TREE PLANTING ADMINISTERED BY PUBLIC
11 WORKS ON PUBLIC PROPERTY; APPROVING, AND
12 REQUESTING THE MAYOR, OR HIS DESIGNEE, TO DIRECT
13 THE DEPARTMENT OF PUBLIC WORKS TO CONTINUE TO
14 ADMINISTER THE PROGRAMS IN ACCORDANCE WITH THE
15 CRITERIA HEREIN PROVIDED; PROVIDING A CARRYOVER
16 OF FUNDS INTO SUBSEQUENT FISCAL YEARS; PROVIDING
17 AN EFFECTIVE DATE.
18

19 **WHEREAS**, the Jacksonville Tree Commission voted on September 21,
20 2022 to recommend increasing the funding for the 630-CITY Tree
21 Planting Program, the Remove and Replace Program (also known as the
22 "County-Wide Tree Planting Program-Right of Way"), and the Level 3
23 Tree Planting Program, (the "Programs") by \$7,000,000.00; now
24 therefore

25 **BE IT ORDAINED** by the Council of the City of Jacksonville:

26 **Section 1. Appropriation for the 630-CITY Tree Planting**
27 **Program, the Remove and Replace Program (also and formerly known as**
28 **the "County- Wide Tree Planting Program-Right of Way"), and the Level**
29 **3 Tree Planting Program.** For the 2022-2023 fiscal year, within the
30 City's budget, there are hereby appropriated the indicated sum(s)
31 from the account(s) listed in subsection (a) to the account(s) listed

1 in subsection (b):

2 (The account information is attached hereto as **Exhibit 1**, and
3 incorporated herein by this reference)

4 (a) Appropriated from:

5 See attached **Exhibit 1** \$7,000,000.00

6 (b) Appropriated to:

7 See attached **Exhibit 1** \$7,000,000.00

8 (c) **Explanation of the appropriation** - The funding above is to
9 provide funding from the Tree Protection and Related
10 Expenses Trust Fund, Fund 15304, for the following Programs
11 and amounts:

- 12 • \$2,000,000.00 for the 630-CITY Tree Planting Program;
- 13 • \$4,000,000.00 for the Remove and Replace Program; and
- 14 • \$1,000,000.00 for the Level 3 Tree Planting Program;

15 All Programs are to be administered by the Department of Public Works.

16 **Section 2. Purpose of the three (3) appropriations.**

17 (1) The purpose of the \$2,000,000.00 appropriation in Section
18 1 is to provide funds the Tree Protection and Related Expenses Trust
19 Fund for Public Works to plant trees on public property in Duval
20 County in locations where adjacent property owners have requested
21 trees by calling (904) 630-CITY; The Program funds will be expended
22 in this way:

23 (a) When a property owner enlists the help of the City
24 through "630-CITY" asking for a new tree or trees to be installed on
25 public property, the Department of Public Works, Mowing and Landscape
26 Maintenance Division, will work with the property owner to determine
27 what species of tree, if any, is appropriate for the locations
28 suggested by the property owner. The location and species must be
29 approved by a City Arborist, City Urban Forester, or City Landscape
30 Architect, who will use the concept of "Right Tree, Right Place"; and

31 (b) If a tree or trees are appropriate based upon the

1 request, the Division staff will counsel the property owner about the
2 necessity for maintaining the tree(s) through proper irrigation,
3 fertilization, and pruning.

4 (c) The Department of Public Works may use the funds set
5 aside for this Program within Fund 15304 to install trees approved
6 in accordance with the "Tree Commission Approved Tree Planting List,"
7 which is available for view on the Tree Commission's website.

8 (2) The Purpose of the \$4,000,000.00 appropriation in Section
9 1 is to provide funds from the Tree Protection and Related Expenses
10 Trust Fund for Public Works to plant trees for the Remove and Replace
11 Program, also known as the "City-Wide Tree Program-Right of Way" to
12 plant trees within public rights-of-way and parks in Duval County.
13 The Program funds will be expended in this way: When a tree with the
14 public right-of-way or park is damaged, dead, in impending decline,
15 or becomes a hazard to the public health, safety and welfare, the
16 Department of Public Works may use Fund 15304 to remove and replace
17 said tree, so long as:

18 (a) The tree removed is replaced within six (6) months.

19 (b) The species of replacement tree is contained in the
20 "Tree commission Approved Tree Planting List", as amended from time
21 to time, and approved by a City Arborist.

22 (c) The location of the replacement tree is approved by a
23 City Arborist and is in close proximity to the tree removed. "Close
24 proximity" is defined as follows:

25 (I) As to replacement trees in rights-of-way, within
26 the right-of-way of the parcel abutting the tree removal site, or in
27 the right-of-way of an adjacent parcel abutting, or across the street
28 from, the tree removal site, but in not instance shall the location
29 of the replacement tree be more than 100 feet away from the tree that
30 was removed.

31 (II) As to replacement trees within parks, no more

1 than 100 feet from the tree removed.

2 (3) The purpose of the \$1,000,000.00 appropriation in Section
3 1 is to provide funds from the Tree Protection and Related Expenses
4 Trust Fund for entities that have applied for Level 3 Tree Planting
5 Program funding to provide the design, coordination, purchase,
6 installation and guarantee of a tree planting project on public
7 property within Duval County. The process for administering the Level
8 3 Program shall be the following:

9 (a) The Level 3 Program applications may be completed by
10 the applicant after notification to the District Council Member, and
11 all At Large Council Members, and a preliminary meeting with the
12 Public Works Arborist and related staff to discuss the goals and
13 objectives of the project. The current Level 3 Application and
14 Application Instructions are available online on the Tree
15 Commission's website which may be found on the Department of Public
16 Works website, City of Jacksonville, and may be changed in format,
17 but in general will be in keeping with the process outlined in this
18 legislation.

19 (b) Completed applications are provided to the Public Works
20 Arborist and related staff who then prepare a staff report regarding
21 the project for use by the District Council Member and the At Large
22 Council Members, and the Tree Commission in their advisory
23 recommendation to the Mayor's Budget Review Committee ("MBRC").

24 (c) The Tree Commission reviews the proposed project at a
25 Tree Commission public meeting and recommends either approval,
26 approval with conditions, or denial of the project to MBRC.

27 (d) Public Works then prepares the documents necessary to
28 communicate to MBRC the Tree Commission's recommendation as well as
29 the original submission by the applicant.

30 (e) If MBRC approves the project or approves it with
31 amendments as provided by the Tree Commission, the Office of General

1 Counsel will prepare the Agreement between the City and the applicant
2 for execution by the parties.

3 (f) The Public Works Arborist and related staff shall
4 coordinate with the applicant, now Contractor, regarding bid
5 documents and bid reviews for the subcontractor that will purchase
6 the material and install the project.

7 (g) The Public Works Arborist and related staff will
8 assure that the project is completed pursuant to the Agreement.

9 **Section 3. Oversight Department.** The Public Works
10 Department shall continue to oversee the Programs described herein.
11 The trees that are planted, and any that are removed as part of the
12 planting, shall be recorded electronically on Plan-it Geo, or its
13 equivalent, and shall note the species and size of each, as well as
14 the date of planting or removal.

15 **Section 4. Carryover.** The funds appropriated in this
16 ordinance shall not lapse but shall carryover to subsequent fiscal
17 years.

18 **Section 5. Effective Date.** This ordinance shall become
19 effective upon signature by the Mayor or upon becoming effective
20 without the Mayor's signature.

21
22 Form Approved:

23
24 /s/ Susan C. Grandin

25 Office of General Counsel

26 Legislation Prepared By: Susan C. Grandin

27 *GC-#1528639-v3-Legis_Remove_and_Replace;_Level_3;_630-City_9-2022.docx*