

1 Introduced by Council Member Salem and amended by the Finance
2 Committee:

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4
5 **ORDINANCE 2022-764-E**

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

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

26 **WHEREAS**, the Jacksonville Tree Commission has reviewed,
27 discussed and approved the revised and updated Tree Planting Program
28 (Level 3) Agreement, attached hereto as **Revised Exhibit 2**; now
29 therefore

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

31 **Section 1. Appropriation for the 630-CITY Tree Planting**

1 **Program, the Remove and Replace Program (also and formerly known as**
2 **the "County- Wide Tree Planting Program-Right of Way"), and the Level**
3 **3 Tree Planting Program.** For the 2022-2023 fiscal year, within the
4 City's budget, there are hereby appropriated the indicated sum(s)
5 from the account(s) listed in subsection (a) to the account(s) listed
6 in subsection (b):

7 (The account information is attached hereto as **Revised Exhibit 1,**
8 labeled as "Rev Exhibit 1, Rev B.T., November 14, 2022 - NCSPHS" and
9 incorporated herein by this reference)

10 (a) Appropriated from:

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

12 (b) Appropriated to:

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

14 (c) **Explanation of the appropriation** - The funding above is to
15 provide funding from the Tree Protection and Related
16 Expenses Trust Fund, Fund 15304, for the following Programs
17 and amounts:

- 18 • \$2,000,000.00 for the 630-CITY Tree Planting Program;
- 19 • \$4,000,000.00 for the Remove and Replace Program; and
- 20 • \$1,000,000.00 for the Level 3 Tree Planting Program;

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

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

23 (1) The purpose of the \$2,000,000.00 appropriation in Section
24 1 is to provide funds the Tree Protection and Related Expenses Trust
25 Fund for Public Works to plant trees on public property in Duval
26 County in locations where adjacent property owners have requested
27 trees by calling (904) 630-CITY; The Program funds will be expended
28 in this way:

29 (a) When a property owner enlists the help of the City
30 through "630-CITY" asking for a new tree or trees to be installed on
31 public property, the Department of Public Works, Mowing and Landscape

1 Maintenance Division, will work with the property owner to determine
2 what species of tree, if any, is appropriate for the locations
3 suggested by the property owner. The location and species must be
4 approved by a City Arborist, City Urban Forester, or City Landscape
5 Architect, who will use the concept of "Right Tree, Right Place"; and

6 (b) If a tree or trees are appropriate based upon the
7 request, the Division staff will counsel the property owner about the
8 necessity for maintaining the tree(s) through proper irrigation,
9 fertilization, and pruning.

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

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

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

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

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

31 (I) As to replacement trees in rights-of-way, within

1 the right-of-way of the parcel abutting the tree removal site, or in
2 the right-of-way of an adjacent parcel abutting, or across the street
3 from, the tree removal site, but in no instance shall the location
4 of the replacement tree be more than 100 feet away from the tree that
5 was removed.

6 (II) As to replacement trees within parks, no more
7 than 100 feet from the tree removed.

8 (3) The purpose of the \$1,000,000.00 appropriation in Section
9 1 is to provide funds from the Tree Protection and Related Expenses
10 Trust Fund for entities that have applied for Level 3 Tree Planting
11 Program funding to provide the design, coordination, purchase,
12 installation and guarantee of a tree planting project on public
13 property within Duval County. The process for administering the Level
14 3 Program shall be the following:

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

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

30 (c) The Tree Commission reviews the proposed project at a
31 Tree Commission public meeting and recommends either approval,

1 approval with conditions, or denial of the project to MBRC.

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

5 (e) If MBRC approves the project or approves it with
6 amendments as provided by the Tree Commission, the Office of General
7 Counsel will prepare the Agreement, as updated herein, between the
8 City and the applicant for execution by the parties.

9 (f) The Public Works Arborist and related staff shall
10 coordinate with the applicant regarding bid documents and bid reviews
11 for the subcontractor that will purchase the material and install the
12 project.

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

15 **Section 3. Approving the Revised Tree Planting Program**
16 **(Level 3) Agreement.** The revised and updated Tree Planting Program
17 (Level 3) Agreement (the "Agreement"), attached hereto as **Revised**
18 **Exhibit 2** and incorporated herein by this reference, is hereby
19 approved. The Agreement provides terms and conditions for
20 disbursement of Level 3 Tree Planting Program funds to qualified
21 applicants seeking funds for approved Level 3 tree planting projects.

22 **Section 4. Oversight Department.** The Public Works
23 Department shall continue to oversee the Programs described herein.
24 The trees that are planted, and any that are removed as part of the
25 planting, shall be recorded electronically on Plan-it Geo, or its
26 equivalent, and shall note the species and size of each, as well as
27 the date of planting or removal.

28 **Section 5. Carryover.** The funds appropriated in this
29 ordinance shall not lapse but shall carryover to subsequent fiscal
30 years.

31 **Section 6. Effective Date.** This ordinance shall become

1 effective upon signature by the Mayor or upon becoming effective
2 without the Mayor's signature.

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4 Form Approved:

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6 /s/ Mary E. Staffopoulos

7 Office of General Counsel

8 Legislation Prepared By: Susan C. Grandin

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