

1 Introduced by Council Member Miller and Co-Sponsored by Council
2 Members Clark-Murray and Johnson and amended by the Neighborhoods,
3 Community Services, Public Health and Safety Committee:
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6 **ORDINANCE 2024-438-E**

7 AN ORDINANCE APPROPRIATING \$6,217,826
8 INCLUDING: (1) \$1,000,000 FROM THE TREE
9 PROTECTION AND RELATED EXPENSES TRUST FUND
10 (CHARTER) AND \$1,717,826 FROM THE CITY-JTA
11 TRANSPORTATION PROJECT PAY-GO FUND (BETTER
12 JACKSONVILLE PLAN) TREE MITIGATION PROJECT TO
13 PROVIDE FUNDING FOR THE COUNTY-WIDE TREE PROGRAM
14 - RIGHT OF WAY FOR REMOVAL AND REPLACEMENT OF
15 DEAD/DYING OR HAZARDOUS TREES ON PUBLIC
16 PROPERTY, (2) \$1,500,000 FROM THE TREE
17 PROTECTION AND RELATED EXPENSES TRUST FUND
18 (CHARTER) TO THE LEVEL 2 TREE PLANTING PROGRAM
19 TO PROVIDE FUNDS FOR TREE PLANTINGS ADMINISTERED
20 BY THE DEPARTMENT OF PUBLIC WORKS ON PUBLIC
21 PROPERTY, AND (3) \$2,000,000 FROM THE TREE
22 PROTECTION AND RELATED EXPENSES TRUST FUND
23 (ORDINANCE) TO THE LEVEL 3 TREE PLANTING PROGRAM
24 TO PROVIDE FUNDS FOR TREE PLANTINGS ON PUBLIC
25 PROPERTY BY THIRD-PARTY APPLICANTS; PROVIDING
26 FOR CONTINUED OVERSIGHT BY THE DEPARTMENT OF
27 PUBLIC WORKS; AMENDING THE 2024-2028 FIVE-YEAR
28 CAPITAL IMPROVEMENT PLAN APPROVED BY ORDINANCE
29 2023-505-E TO REFLECT THE REALLOCATION OF FUNDS
30 FROM THE TREE MITIGATION PROJECT WITHIN THE
31 BETTER JACKSONVILLE PLAN TO THE REMOVE AND

1 REPLACE PROGRAM ACTIVITY; CREATING A NEW SECTION
2 94.107 (EXCEPTIONAL PLANTING PROJECTS REFERRAL
3 TO CITY COUNCIL), CHAPTER 94 (TREE COMMISSION),
4 *ORDINANCE CODE*, TO PROVIDE A PROCESS FOR CITY
5 COUNCIL APPROVAL OF LEVEL 2 AND LEVEL 3 TREE
6 PLANTING PROGRAM PROJECTS THAT EXCEED \$300,000;
7 PROVIDING FOR CODIFICATION INSTRUCTIONS;
8 PROVIDING AN EFFECTIVE DATE.
9

10 **WHEREAS**, the Tree Commission was established by Ordinance
11 2017-635-E, as described in Chapter 94, *Ordinance Code*, which outlines
12 the various duties and responsibilities of the Tree Commission to
13 develop and maintain a healthy tree canopy in the City; and

14 **WHEREAS**, the City currently maintains two Tree Protection and
15 Related Expenses Trust Funds, the first was created pursuant to
16 Section 25.04 of the *Jacksonville City Charter* and the second by
17 Ordinance which is codified in Section 111.760, *Ordinance Code*; and

18 **WHEREAS**, while these Funds are subject to differing guidelines
19 and requirements, they both serve the fundamental mission of planting
20 and maintaining trees along the public rights-of-way and on public
21 lands within the City, so as to mitigate for the loss or destruction
22 of protected trees and to replace the tree canopy in the City that
23 has been lost through the process of land development; and

24 **WHEREAS**, the County-Wide Tree Planting Program - Right of Way
25 (also known as the "Remove and Replace" Program) was initiated by
26 Ordinance 2018-775-E, to authorize the Department of Public Works to
27 remove trees within the public rights-of-way and public parks of the
28 City that are damaged, dead, in impending decline, or that have become
29 a hazard to the public health, safety and welfare, and to replace
30 such trees within certain established guidelines; and

31 **WHEREAS**, during its meeting on February 21, 2024, the Tree

1 Commission voted to recommend appropriating funds to the Remove and
2 Replace Program in the total amount of \$2,717,826, including
3 \$1,000,000 from the Tree Protection and Related Expenses Trust Fund
4 created by Charter and \$1,717,826 from the Better Jacksonville Plan
5 Tree Mitigation Activity as evidenced by the meeting minutes attached
6 hereto as **Exhibit 1**; and

7 **WHEREAS**, during that same meeting, the Tree Commission also
8 voted to recommend appropriating funds from the Tree Protection and
9 Related Expenses Fund created by the Charter to the Level 2 Tree
10 Planting Program in the amount of \$1,500,000; and

11 **WHEREAS**, subsequently, during its meeting on April 17, 2024,
12 the Tree Commission voted to recommend increasing the funding for the
13 Level 3 Tree Planting Program to \$2,000,000 with a recommendation
14 that these dollars should be appropriated from the Tree Protection
15 and Related Expenses Trust Fund established by Ordinance in Chapter
16 111, *Ordinance Code*, as reflected in the minutes from said meeting
17 attached hereto as **Exhibit 2**; now therefore

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

19 **Section 1. Appropriation.** For the 2023-2024 fiscal year,
20 within the City's budget, there are hereby appropriated the sum(s)
21 from the account(s) listed in subsections (a) to the account(s) listed
22 in subsection (b):

23 (The account information is attached hereto as **Revised Exhibit 3**,
24 labeled as "Revised Exhibit 3, Rev B.T., June 17, 2024 - NCSPHS" and
25 incorporated herein by this reference)

26 (a) Appropriated from:

27 See **Revised Exhibit 3** \$6,217,826

28 (b) Appropriated to:

29 See **Revised Exhibit 3** \$6,217,826

30 (c) **Explanation of the appropriation:**

31 The funding above represents a total appropriation of

1 \$6,217,826 which includes: \$1,000,000 from the Tree
2 Protection and Related Expenses Trust Fund (Charter) and
3 \$1,717,826 from the City - JTA Transportation Project Pay-
4 Go Tree Mitigation Project to the County-Wide Tree Program
5 - Right of Way activity (the "Remove and Replace" Program)
6 to provide funding for removal and replacement of diseased,
7 deceased and declining trees within the City's rights-of-
8 way and parks, (2) \$1,500,000 from the Tree Protection and
9 Related Expenses Trust Fund (Charter) to fund the
10 continuation and expansion of the City's Level 2 Tree
11 Planting Program (the "Level 2 Program"), and (3)
12 \$2,000,000 from the Tree Protection and Related Expenses
13 Trust Fund (Ordinance) to fund the continuation and
14 expansion of the City's Level 3 Tree Planting Program (the
15 "Level 3 Program").

16 **Section 2. Purpose.** The purpose of the appropriation in
17 Section 1 is to provide funding for the City's Remove and Replace
18 Program wherein the Department of Public Works removes and replaces
19 trees within the City's public rights-of-way and parks that are
20 damaged, dead, in impending decline, or a hazard to the public health,
21 safety and welfare. In addition, this appropriation provides funds
22 for the continuation and expansion of the City's Level 2 Program
23 which allows for tree plantings on public property by the Department
24 of Public Works. Finally, this appropriation will also provide funds
25 for the continuation and expansion of the City's Level 3 Program
26 which allows third-party applicants to seek funding for tree plantings
27 in Duval County which are overseen by the Department of Public Works.

28 **Section 3. Oversight Department.** The Public Works
29 Department shall continue to oversee and administer the Programs
30 described herein. The trees that are planted, and any that are removed
31 as part of the planting, shall be recorded electronically on Plan-it

1 Geo, or its equivalent, and shall note the species and size of each,
2 as well as the date of planting or removal.

3 **Section 4. Capital Improvement Plan Amendment.** Ordinance
4 2023-505-E, adopting the 2024-2028 Five-Year Capital Improvement Plan
5 ("CIP") for the City and certain of its independent agencies, is
6 hereby amended to reflect the appropriation of funds from the Tree
7 Mitigation Project of the Better Jacksonville Plan within the CIP to
8 the City's County-Wide Tree Program - Right-of-Way (Remove and Replace
9 Program) activity, as more fully described in the Project Information
10 Sheet, attached hereto as **Revised Exhibit 4**, labeled as "Revised
11 Exhibit 4, Rev CIP Sheet, June 17, 2024 - NCSPHS" and incorporated
12 herein by this reference. The City Council finds that the deferral
13 of this amendment to the CIP until the next annual budget and CIP
14 review will be detrimental to the best interests of the community
15 because such deferral will delay allocation of these funds to support
16 continuation and expansion of the Remove and Replace Program as
17 authorized herein.

18 Pursuant to Section 122.605(c), *Ordinance Code*, enactment of
19 this Ordinance requires the affirmative vote of two-thirds of the
20 City Council members present at the meeting because of the CIP
21 amendment set forth in this Section. This Ordinance shall constitute
22 an amendment to Ordinance 2023-505-E. In all other respects, the
23 Five-Year Capital Improvement Plan approved by Ordinance 2023-505-E
24 shall remain unchanged and continue in full force and effect.

25 **Section 5. Creating a new Section 94.107 (Exceptional**
26 **Planting Projects Referral to City Council), Chapter 94 (Tree**
27 **Commission), Ordinance Code.** A new Section 94.107 (Exceptional
28 Planting Projects Referral to City Council), Chapter 94 (Tree
29 Commission), *Ordinance Code*, is hereby created to read as follows:

30 **Chapter 94. TREE COMMISSION**

31 * * *

1 **Sec. 94.107. - Exceptional Planting Projects Referral to City Council.**

2 For the purposes of this Section, the term "Exceptional Planting
3 Project" shall apply to any planting project that in whole or in
4 cumulative portions or stages exceeds \$300,000.

5 (a) An Exceptional Planting Project in the Level 2 and Level 3
6 Planting Programs, as described by Ordinances 2019-89-E
7 and 2020-213-E, respectively, receiving a favorable
8 recommendation from both the Tree Commission and the
9 Mayor's Budget Review Committee shall require Council
10 approval prior to commencement of the Exceptional Planting
11 Project. The Council shall give great weight to the
12 recommendation by the Tree Commission. For the purposes of
13 this Section, the term "favorable recommendation" means
14 that the Exceptional Planting Project is approved, approved
15 with conditions, or approved with modifications by the
16 reviewing entities.

17 **Section 6. Codification Instructions.** The Codifier and the
18 Office of General Counsel are authorized to make all chapter and
19 division "tables of contents" consistent with the changes set forth
20 herein. Such editorial changes and any other necessary to make the
21 *Ordinance Code* consistent with the intent of this legislation are
22 approved and directed herein, and changes to the *Ordinance Code* shall
23 be made forthwith and when inconsistencies are discovered.

24 **Section 7. Effective Date.** This Ordinance shall become
25 effective upon signature by the Mayor or upon becoming effective
26 without the Mayor's signature.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Shannon MacGillis

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