

1 Introduced by Council Member Miller:
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3

4 **ORDINANCE 2024-438**

5 AN ORDINANCE APPROPRIATING \$6,217,826
6 INCLUDING: (1) \$1,000,000 FROM THE TREE
7 PROTECTION AND RELATED EXPENSES TRUST FUND
8 (CHARTER) AND \$1,717,826 FROM THE CITY-JTA
9 TRANSPORTATION PROJECT PAY-GO FUND (BETTER
10 JACKSONVILLE PLAN) TREE MITIGATION PROJECT TO
11 PROVIDE FUNDING FOR THE COUNTY-WIDE TREE PROGRAM
12 - RIGHT OF WAY FOR REMOVAL AND REPLACEMENT OF
13 DEAD/DYING OR HAZARDOUS TREES ON PUBLIC
14 PROPERTY, (2) \$1,500,000 FROM THE TREE
15 PROTECTION AND RELATED EXPENSES TRUST FUND
16 (CHARTER) TO THE LEVEL 2 TREE PLANTING PROGRAM
17 TO PROVIDE FUNDS FOR TREE PLANTINGS ADMINISTERED
18 BY THE DEPARTMENT OF PUBLIC WORKS ON PUBLIC
19 PROPERTY, AND (3) \$2,000,000 FROM THE TREE
20 PROTECTION AND RELATED EXPENSES TRUST FUND
21 (ORDINANCE) TO THE LEVEL 3 TREE PLANTING PROGRAM
22 TO PROVIDE FUNDS FOR TREE PLANTINGS ON PUBLIC
23 PROPERTY BY THIRD-PARTY APPLICANTS; PROVIDING
24 FOR CONTINUED OVERSIGHT BY THE DEPARTMENT OF
25 PUBLIC WORKS; AMENDING THE 2024-2028 FIVE-YEAR
26 CAPITAL IMPROVEMENT PLAN APPROVED BY ORDINANCE
27 2023-505-E TO REFLECT THE REALLOCATION OF FUNDS
28 FROM THE TREE MITIGATION PROJECT WITHIN THE
29 BETTER JACKSONVILLE PLAN TO THE REMOVE AND
30 REPLACE PROGRAM ACTIVITY; CREATING A NEW SECTION
31 94.107 (EXCEPTIONAL PLANTING PROJECTS REFERRAL

1 TO CITY COUNCIL), CHAPTER 94 (TREE COMMISSION),
2 ORDINANCE CODE, TO PROVIDE A PROCESS FOR CITY
3 COUNCIL APPROVAL OF LEVEL 2 AND LEVEL 3 TREE
4 PLANTING PROGRAM PROJECTS THAT EXCEED \$300,000;
5 PROVIDING FOR CODIFICATION INSTRUCTIONS;
6 PROVIDING AN EFFECTIVE DATE.

7
8 **WHEREAS**, the Tree Commission was established by Ordinance
9 Chapter 94, *Ordinance Code*, which outlines the various duties and
10 responsibilities of the Tree Commission to develop and maintain a
11 healthy tree canopy in the City; and

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

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

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

29 **WHEREAS**, during its meeting on February 21, 2024, the Tree
30 Commission voted to recommend appropriating funds to the Remove and
31 Replace Program in the total amount of \$2,717,826, including

1 \$1,000,000 from the Tree Protection and Related Expenses Trust Fund
2 created by Charter and \$1,717,826 from the Better Jacksonville Plan
3 Tree Mitigation Activity as evidenced by the meeting minutes attached
4 hereto as **Exhibit 1**; and

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

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

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

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

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

23 (a) Appropriated from:

24 See **Exhibit 3** \$6,217,826

25 (b) Appropriated to:

26 See **Exhibit 3** \$6,217,826

27 (c) **Explanation of the appropriation -**

28 The funding above represents a total appropriation of
29 \$6,217,826 which includes: \$1,000,000 from the Tree
30 Protection and Related Expenses Trust Fund (Charter) and
31 \$1,717,826 from the City - JTA Transportation Project Pay-

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

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

25 **Section 3. Oversight Department.** The Public Works
26 Department shall continue to oversee and administer the Programs
27 described herein. The trees that are planted, and any that are removed
28 as part of the planting, shall be recorded electronically on Plan-it
29 Geo, or its equivalent, and shall note the species and size of each,
30 as well as the date of planting or removal.

31 **Section 4. Capital Improvement Plan Amendment.** Ordinance

1 2023-505-E, adopting the 2024-2028 Five-Year Capital Improvement Plan
2 ("CIP") for the City and certain of its independent agencies, is
3 hereby amended to reflect the appropriation of funds from the Tree
4 Mitigation Project of the Better Jacksonville Plan within the CIP to
5 the City's County-Wide Tree Program - Right-of-Way (Remove and Replace
6 Program) activity, as more fully described in the Project Information
7 Sheet, attached hereto as **Exhibit 4** and incorporated herein by this
8 reference. The City Council finds that the deferral of this amendment
9 to the CIP until the next annual budget and CIP review will be
10 detrimental to the best interests of the community because such
11 deferral will delay allocation of these funds to support continuation
12 and expansion of the Remove and Replace Program as authorized herein.

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

20 **Section 5. Creating a new Section 94.107 (Exceptional**
21 **Planting Projects Referral to City Council), Chapter 94 (Tree**
22 **Commission), Ordinance Code.** A new Section 94.107 (Exceptional
23 Planting Projects Referral to City Council), Chapter 94 (Tree
24 Commission), *Ordinance Code*, is hereby created to read as follows:

25 **Chapter 94. TREE COMMISSION**

26 * * *

27 **Sec. 94.107. - Exceptional Planting Projects Referral to City Council.**
28 For the purposes of this Section, the term "Exceptional Planting
29 Project" shall apply to any planting project that in whole or in
30 cumulative portions or stages exceeds \$300,000.

31 (a) An Exceptional Planting Project in the Level 2 and Level 3

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

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

19 **Section 7. Effective Date.** This Ordinance shall become
20 effective upon signature by the Mayor or upon becoming effective
21 without the Mayor's signature.

22
23 Form Approved:

24
25 /s/ Shannon MacGillis

26 Office of General Counsel

27 Legislation Prepared By: Shannon MacGillis

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