

1 Introduced by Council Member Salem and Co-Sponsored by Council
2 Members Bowman, Hazouri and Pittman:

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5 **ORDINANCE 2020-213**

6 AN ORDINANCE APPROPRIATING \$1,000,000.00 FROM
7 THE TREE PROTECTION AND RELATED EXPENSES TRUST
8 FUND, SUBFUND 15F (NOW FUND 15304), TO THE
9 "LEVEL 3 TREE PLANTING PROGRAM," TO PROVIDE
10 FUNDING TO BE ADMINISTERED BY PUBLIC WORKS IN
11 ACCORDANCE WITH THE LEVEL 3 TREE PLANTING
12 PROGRAM REQUIREMENTS; APPROVING, AND
13 REQUESTING THE MAYOR, OR HIS DESIGNEE, TO
14 DIRECT THE DEPARTMENT OF PUBLIC WORKS TO
15 OVERSEE AND ADMINISTER THE PROGRAM IN
16 ACCORDANCE WITH THE CRITERIA HEREIN PROVIDED;
17 PROVIDING A CARRYOVER OF FUNDS INTO SUBSEQUENT
18 FISCAL YEARS; APPROVING AND AUTHORIZING THE
19 MAYOR, OR HIS DESIGNEE, AND CORPORATION
20 SECRETARY TO EXECUTE AND DELIVER FROM TIME TO
21 TIME HENCEFORTH A STANDARD AGREEMENT FOR
22 ENTERING INTO A GRANT AGREEMENT WITH THIRD
23 PARTIES FOR THE LEVEL 3 TREE PLANTING PROGRAM
24 WITH NO FURTHER ACTION BY CITY COUNCIL
25 REQUIRED; PROVIDING AN EFFECTIVE DATE.

26
27 **WHEREAS**, the Tree Commission, an advisory body of the City of
28 Jacksonville was formed to encourage and coordinate the efforts of
29 the various public and private entities that are concerned with the
30 conservation and enhancement of the City's tree canopy; and

31 **WHEREAS**, the Tree Commission established the "Level 3 Tree

1 Planting Program," (the "Level 3 Program"), which allows entities
2 to propose a tree planting project on public property that would be
3 funded by the Tree Protection and Related Expenses Trust Fund and
4 which would be designed, coordinated, purchased, installed and
5 guaranteed by an entity other than the City; and

6 **WHEREAS**, to date, two Level 3 projects have been proposed and
7 approved by the Tree Commission, the Mayor's Budget Review
8 Committee and the City Council for a total sum of \$177,885.00; and

9 **WHEREAS**, the Tree Protection and Related Expenses Trust Fund,
10 Subfund 15F, now to be known as "Fund 15304", contained
11 \$14,872,606.00 overall as of March 27, 2020 for the purpose of
12 planting trees to replace the tree canopy for the City which has
13 been lost through the process of land development; and

14 **WHEREAS**, the Public Works Department is well equipped to
15 oversee and administer the Level 3 Tree Planting Program and
16 providing funding in an amount that should be adequate for a one
17 year time period is an efficient and effective use of elected
18 official and City staff time, now therefore

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

20 **Section 1. Appropriation.** For the 2019-2020 fiscal year,
21 within the City's budget, there are hereby appropriated the
22 indicated sum(s) from the account(s) listed in subsection (a) to
23 the account(s) listed in subsection (b):

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

26 (a) Appropriated from:

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

28 (b) Appropriated to:

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

30 (c) **Explanation of the appropriation** - The funding above is
31 to provide \$1,000,000.00 from the Tree Protection and

1 Related Expenses Trust Fund, Subfund 15F (now Fund
2 15304), for the "Level 3 Tree Planting Program," (the
3 "Level 3 Program") administered by the Department of
4 Public Works.

5 **Section 2. Purpose.** The purpose of the appropriation in
6 Section 1 is to provide \$1,000,000.00 for entities that have
7 applied for Level 3 Tree Planting Program funding to provide the
8 design, coordination, purchase, installation and guarantee of a
9 tree planting project on public property within Duval County. The
10 process for administering the Level 3 Program shall be the
11 following:

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

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

26 (3) The Tree Commission reviews the proposed project at a Tree
27 Commission public meeting and recommends either approval, approval
28 with conditions, or denial of the project to MBRC;

29 (4) Public Works then prepares the documents necessary to
30 communicate to MBRC the Tree Commission's recommendation as well as
31 the original submission by the applicant;

1 (5) If MBRC approves the project, or approves it with
2 amendments as provided by the Tree Commission, the Office of
3 General Counsel will prepare the Grant Agreement between the City
4 and the applicant for execution by the parties;

5 (6) If MBRC approves the project but makes new amendments,
6 the applicant is responsible for generating the revised documents
7 for submittal as Exhibits to the Grant Agreement, which the Office
8 of General Counsel will prepare.

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

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

15 **Section 3. Oversight Department.** The Public Works
16 Department shall oversee the Level 3 Program and projects as
17 described herein. The trees that are planted, and any that are
18 removed as part of the planting, shall be recorded electronically
19 on Plan-it Geo, or its equivalent, and they shall note the species
20 and size of each, as well as the date of planting or removal.

21 **Section 4. Carryover.** The funds appropriated in this
22 ordinance shall not lapse but shall carryover to subsequent fiscal
23 years.

24 **Section 5. Approval and Authorization of Form Agreement.**
25 The Mayor, or his designee, and the Corporation Secretary are
26 hereby authorized to execute and deliver from time to time
27 henceforth the standard Level 3 Tree Planting Grant Agreement, in
28 substantially the same form as attached hereto as **Exhibit 2**, and
29 incorporated herein by this reference, with no further action by
30 Council required, so that entities other than the City may receive
31 Tree Protection and Related Expenses Trust Fund monies to purchase,

1 install and guarantee new trees on the public lands within Duval
2 County in accordance with the Level 3 Tree Planting procedures.

3 **Section 6.** Effective Date. This ordinance shall
4 become effective upon signature by the Mayor or upon becoming
5 effective without the Mayor's signature.

6

7 Form Approved:

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9 /s/ Shannon K. Eller

10 Office of General Counsel

11 Legislation Prepared By: Susan C. Grandin

12 *GC-#1358392-v5-Level_3_Tree_Prog_Approp_and_Form_K_approval.docx*