

As amended by the Tree Commission on December 16, 2020.

**Jacksonville Tree Commission
Rule 1, Administrative Procedures**

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Section 1, Purpose of Rule

- 1.1-100** **Purpose of Rule.** The purpose of this Rule 1 of the Jacksonville Tree Commission (“Commission”) is to establish procedures for conducting Commission business and for the internal administration of the Commission. This rule implements Chapters 94 and 50, Jacksonville Ordinance Code. This rule is adopted pursuant to §94.104(d), Jacksonville Ordinance Code.

Section 2, Membership; Organization

- 1.2-100** On July 25, 2017, the Jacksonville City Council, by enactment of 2017-397-E (codified in Chapter 94, Jacksonville Ordinance Code), established the advisory commission known as the Tree Commission for the City of Jacksonville. The Commission is subject to all applicable public meetings, public records and ethics laws.
- 1.2-101** Pursuant to Sec. 94.103, *Ordinance Code*, the Commission shall be comprised of seven (7) members selected as follows:
- (a) One member of the City Council designated by the City Council President;
 - (b) The Director of the Public Works Department, or his or her designee;
 - (c) Three members of the general public appointed by the City Council; and
 - (d) Two members of the general public appointed by the Mayor and confirmed by City Council.
- 1.2-102** To the extent possible, each of the members appointed by the Council and Mayor shall possess specialized knowledge about trees, the Tree Protection Ordinance, Article 25 of the Charter, and/or the impact of construction activities on trees. To the extent possible, the five members appointed from the general public shall be representative of the categories provided in Sec. 94.103(b).
- 1.2-103** The five members appointed from the general public shall serve for a term of two years or until a successor has been appointed/confirmed by the City Council. Members of the Commission may be appointed for consecutive terms consistent with general laws regulating service on city boards and commissions, however, any member appointed to the Commission for two consecutive full terms shall not be eligible for the next succeeding term. Terms shall conclude on December 31.
- 1.2-104** Pursuant to Sec. 94.104, *Ordinance Code*, the Commission may adopt, amend, and rescind procedural rules of the Commission to aid in implementing the provisions of Chapter 94, Ordinance Code. All reports, studies, and recommendations made at the direction of the Commission shall be approved by the Commission before the same may be presented to the Council.

Section 3, Purpose

1.3-100 Pursuant to Sec. 94.105, *Ordinance Code*, the Commission was established for the following general purposes:

- (a) To study and make recommendations to City Council, Mayor's Office, City Staff, and community stakeholders with respect to the planting of trees and the health of the City's tree canopy.
- (b) To formulate an overall plan for the planting of trees and the health of the City's tree canopy and thereafter to annually review the plan and report recommendations to the Mayor's Office.
- (c) To act as a motivating and coordinating body to encourage joint public and private participation in the planting of trees and the health of the City's tree canopy.
- (d) To review and make recommendations, if necessary, to the Council concerning the City's tree protection and landscape regulations.

Section 4, Duties

1.4-100 Pursuant to Sec. 94.106, *Ordinance Code*, in implementing the purposes of the Commission, the Commission shall have the following duties:

- (a) To act as a coordinator for programs, projects, and activities related to planting projects and the health of the tree canopy between all public and private entities;
- (b) To review expenditure proposals and plans for planting projects;
- (c) To prioritize, with the input of District Council members, proposed planting projects based on established criteria for recommendation to the Council, and, when requested, the Commission may also make recommendations on other proposed tree planting projects;
- (d) To formulate a recommended priority project list, including an estimated implementation cost for each item, for tree planting and canopy maintenance, and to thereafter annually review the priority project list and report recommendations to the Mayor's Office;
- (e) To help coordinate the maintenance of an inventory of the urban tree canopy with an emphasis on historic trees, exceptional specimen trees and other unique environmentally significant trees within the City;

- (f) To assist in the establishment of educational and outreach programs to encourage proper management and maintenance of trees on private property in the City;
- (g) To conduct research studies, collect and analyze data and prepare maps, charts, and plans for the accomplishment of its purposes;
- (h) To identify issues relative to the health and protection of public trees and recommend solutions to problems identified;
- (i) To recommend to and help develop opportunities for the City's grant writing office for grants and solicitation of donations to support the City's tree canopy;
- (j) To perform an annual audit of funded projects, the status of the inventory, and tree permits submitted to the City to be included in an annual report to the Mayor's Office and City Council; and
- (k) To develop and maintain a tree canopy and existing tree inventory.

Section 5, Meetings

1.5-100 Commission Meetings, in General. The Commission shall meet at least monthly at 9:30 AM to 11:00 AM in Conference Room C, 3rd Floor, City Hall, or at other times and places as are fixed by the rules of the Commission, or by a consensus of the Commissioners. If allowed by law, a hybrid meeting may be held utilizing "in-person" and "communications media technology" (as that term is defined in 28-109, Florida Administrative Code) attendance. Formal action at such a hybrid meeting shall meeting the requirements of Section 1.5-102 (Quorum), below.

1.5-101 Public Meetings. All meetings shall be noticed and open to the public. Members of the public shall be given a reasonable opportunity to be heard before the Commission, in accordance with F.S. § 286.0114.

1.5-102 Quorum. Four (4) members of the Commission constitute a quorum. Unless allowed by law, including Executive Orders of the Governor of the State of Florida, a quorum must be physically present in the public meeting place in order for the Commission to take action. Once a quorum is physically present in the public meeting place, other members may participate **and vote** using communication media technology if the following conditions are met:

1. The meeting has been properly noticed;
2. A quorum of the Commission is physically present at the meeting place;
3. Members of the public are able to attend in-person or via communication media technology; and

4. Members attending and participating via communications media technology are doing so because they are unable to physically attend the meeting place due to an “extraordinary circumstance,” which includes, but is not limited to the COVID-19 pandemic, other health related issues, or military duty or deployment. Such member’s attendance at a Commission meeting via communications media technology will not be considered an absence for such member, so long as the member notifies the staff at a reasonable time prior to the meeting in order to confirm whether or not a quorum will be reached. The Commission may approve additional extraordinary circumstances, as may be presented to the Commission, on a case-by-case basis in the Commission’s good judgment.

1.5-103 Loss of Quorum. If at any time during the meeting a quorum is lost, such shall be stated in the minutes and no further action may be taken by the Commission.

1.5-104 Informational and Workshop Meetings. Informational or workshop meetings of the full Commission, or a Committee of the Commission, in which no formal action will be taken, may be held if the following conditions are met:

1. A majority of the members are attending through communications media technology, or a combination of in-person and communications media technology;
2. The meeting has been properly noticed; and
3. Members of the public are able to attend in-person (if a hybrid meeting is held) or via communications media technology.

1.5-105 Conduct of Meetings. Unless otherwise required, the Commission shall conduct business according to Roberts’ Rules of Order.

1.5-106 Voting.

1. Any item before the Commission for official action shall be decided by a majority vote of all members of the Commission. If any item fails to be decided, it shall be automatically deferred to the next scheduled meeting.

2. A member participating via communications media technology may only vote if the conditions stated in 1.5-102 (Quorum) above, are met. If the extraordinary circumstance claimed by the member is not listed above, then prior to the member being able to vote at that meeting, the eligible participating members shall determine whether the reason for the requesting member’s absence is an “extraordinary circumstance.”

Section 6, Officers

1.6-100 Officers, generally. The officers of the Commission shall consist of a Chair and a Vice Chair. The officers shall be elected annually by the members of the Commission at the first regularly scheduled meeting in October, and shall assume their respective offices immediately upon election. The term of each office shall be one year. If an officer resigns from the Commission or is removed from office,

the Commissioners, at the earliest opportunity, shall elect a member to complete the term of the officer who resigns or is removed.

1.6-101 Chair. The Chair shall:

- (a) Preside at all meetings of the Commission;
- (b) Appoint the members of the various committees, task forces, study groups, and other bodies authorized by the Commission in furtherance of its purpose. The Chair shall be an ex-officio member of all committees, task forces, study groups and other bodies. The Chair may attend any committee to make a quorum, but his/her attendance shall not increase the quorum requirement. The Chair may vote on any question pending before the committee, but his/her participation shall not increase the minimum number of affirmative votes required to report any matter to the Commission; and
- (c) Sign recommendations, certificates, reports, vouchers, correspondence, etc., requiring the signature of an official of the Commission.

1.6-102 Vice Chair. The Vice Chair shall perform the duties of the Chair at the Chair's direction, absence, disqualification or disability.

Section 7, Staff Support

1.7-100 Public Works Department. The Public Works Department will furnish administrative support to the Commission. The Public Works Director designates a Public Works employee as the staff person responsible for the following:

- (a) Arranging meeting place for regular and special meetings;
- (b) Notifying the Commissioners, City Council members and the public of the meetings;
- (c) Preparing agendas, transcripts and/or minutes of meetings and hearings and distributing copies thereof to the Commissioners and others; and
- (d) Maintaining the Commissions records, correspondence, responses and equipment necessary to conduct each meeting.

1.7-101 Urban Forest Manager. The Urban Forest Manager, or his or her designee shall assist the Commission in its purpose and duties outlined herein or which, from time to time, may be requested by the Commission, including but not limited to the following:

- (a) Preparing reports outlining the health of the City's tree canopy;

- (b) Recommendations for tree planting projects in accordance with the proper use of tree protection fund monies;
- (c) Communicate with public and private entities regarding proposed planting projects for the Commission's formulation of a priority project list;
- (d) Communicate and coordinate with individual City Council Members regarding proposed projects and recommendations of the Commission related to tree planting projects impacting the Council Member's District; and
- (e) Presenting Commission recommendations to City Council, if necessary or requested.

1.7-102 Accounting Division. The Comptroller of the Accounting Division of the Finance and Administration Department designates a member of the office to provide financial information and accounting support to the Commission pertaining to the tree protection fund balances and encumbrances (15F and 15N, currently).

1.7-103 Office of General Counsel. The Office of General Counsel assigns an attorney to the Commission who serves as the Commission's legal advisor. The legal advisor prepares legal documents including but not limited to administrative rules, advisory opinions, and recommendations related to the Commission's duties.

1.7-104 Orientation of New Commissioners. Preferably before attending their first meeting, newly appointed Commissioners shall receive an orientation from the Urban Forest Manager and Assigned Assistant General Counsel. The orientation shall include a review of the staff's duties, the processes employed by the Department and the Commission in making recommendations concerning the City's tree canopy, tree protection, and landscape regulations, as well as an overview of the Florida Government in the Sunshine law and public records law. The Commissioners are required to attend the ethics training sessions for all boards and commissions pursuant to the Ordinance Code.

Section 8, Committees

1.8-100 Establishment of Committees. The Commission may establish such committees from among its membership as it deems necessary to perform its functions. The Commission may also, from time to time, authorize the establishment of task forces, study groups, and similar bodies to carry out specialized and detailed projects within the scope of its purposes. Any such body may include persons who are not members of the Commission, but the Chair thereof shall be a Commission member. The committee shall report on its progress to the Commission at such times as the Commission shall require. No report, study, or recommendation, favorable or

adverse, may be made by any such committee unless the matter is approved by the Commission.

1.8-101 **Quorum.** The quorum of a committee is the number of the majority of the committee membership. The Commission Chair as an ex-officio member may attend any committee to make quorum, but his or her attendance shall not increase the quorum requirement. The Commission Chair may vote on any question pending before the committee, but his/her participation shall not increase the minimum number of affirmative votes required to report any matter to the Commission. Committees may meet based upon the quorum requirements as stated in Section 5, above.

1.8-102 **Functions.** Committees shall perform the tasks assigned by the Chair including, but not limited to, investigating, reporting, and recommending action on matters within the scope of the committee's duties. The committee chair may appoint subcommittees.

Section 9, Ethics

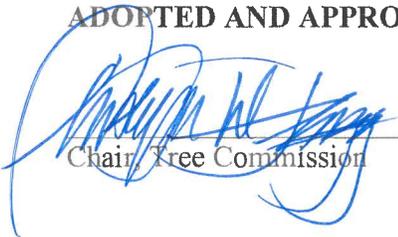
1.9-100 **Ethics.** Commissioners shall, at all times, comply with Chapter 112, Florida Statutes, and relevant opinions of the Florida Commission on Ethics and the City of Jacksonville Ethics Commission. Furthermore:

- (1) Commissioners shall not vote on a measure which inures to his or her special private gain or shall knowingly vote upon any measure which inures to the special gain of any principal, other than an agency, as defined in §112.312(2), Fla. Stat., by whom he or she is retained.
- (2) Any Commissioner abstaining from voting due to a real or perceived conflict of interest shall publicly state the nature of his or her interest before the vote is taken on an item before the Commission. He or she must then abstain from voting. If the Chair is the Commissioner who must abstain from voting, he or she shall relinquish the chair to the Vice Chair once the item has been called from the agenda for action. When the Commission has taken action on the item, the Chair shall resume the duties of the office of Chair.
- (3) Commissioners abstaining from voting because of conflicts of interest shall file the appropriate conflict report form with the Public Works designated staff person within fifteen (15) days after the meeting at which the conflict was disclosed. The report form shall be appended to the minutes of the meeting.
- (4) If a member has a voting conflict with an item brought before the Commission, the member is prohibited from presenting the item to the Commission, but may answer questions of the Commission regarding the issue. The presentation, if

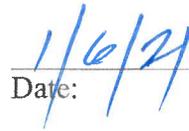
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one is necessary or required for the item, must be made by another person representing the entity or issue.

ADOPTED AND APPROVED this 16th day of December, 2020.



Chair, Tree Commission



Date:

Form approved:



Assistant General Counsel

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