MEMORANDUM

MSC
Agenda Item No. 1(G)1

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	March 16, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Ordinance relating to the Tree Trust Fund; amending sections 2-1336 and 24-39 of the Code; providing that recommendations as to disbursements from the Tree Trust Fund would be made by Neat Streets Miami; deleting references to Tree Forest Advisory Committee

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsors Vice Chairman Esteban L. Bovo, Jr., Commissioner Daniella Levine Cava and Commissioner Rebeca Sosa.

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 4(E)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Memorandum

MIAMI-DADE COUNTY

Date:

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Fiscal Impact Statement for Ordinance Related to the Tree Trust Fund

---

The proposed Ordinance relating to the Tree Trust Fund amends Sections 2-1336 and 24-39 of the Code of Miami-Dade County, deleting references to the Tree and Forest Resources Advisory Committee, which was established for the purpose of providing the Board of County Commissioners (Board) with recommendations concerning any matter related to the Tree Trust Fund (Trust Fund), and provides that recommendations as to disbursements from the Trust Fund be made by the Board of Neat Streets Miami. The amendment also updates the references to County Manager and replaces it with County Mayor.

The current code states that funds deposited into the Trust Fund shall be disbursed, subject to approval by the Board with a recommendation by the Tree and Forest Resources Advisory Committee and the Manager, for the acquisition, maintenance, management and protection of natural forest communities or for planting trees on public property. However, funds deposited into the Trust Fund as a result of a tree removal permit shall be used in accordance with the permit conditions without the need for any Board action.

The Tree and Forest Resources Advisory Committee sunsetted in 1993. However, disbursements have been authorized by the Board of County Commissioners since that time and other disbursements from the Trust Fund have continued to be made pursuant to permit conditions at the request of certain organizations and entities to the Division of Environmental Resources Management in the Department of Regulatory and Economic Resources. Entities that have received funds from the Trust Fund include the Parks, Recreation and Open Spaces Department and the Environmentally Endangered Lands Program.

Approval of this item to replace the Tree and Forest Resources Advisory Committee with Neat Street Miami is not anticipated to require additional staffing resources or create future operational costs. The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

Jack Osterholt
Deputy Mayor

Fis03716 160263

Memorandum

MIAMI-DADE COUNTY

Date:

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Social Equity Impact Statement for Ordinance Related to the Tree Trust Fund

---

The proposed ordinance removes the Tree and Forest Resources Advisory Committee, which was established for the purpose of providing the Board of County Commissioners (Board) with recommendations concerning any matter related to the Tree Trust Fund (Trust Fund), and replaces it with Neat Streets Miami for the sole purpose of making recommendations on Trust Fund disbursements requiring Board approval.

The current Code of Miami-Dade County states that funds deposited into the Trust Fund shall be used to acquire, protect and maintain natural forest communities in Miami-Dade County, and to plant trees on public property. Because the purposes will not change with the approval of this ordinance, specific social equity benefit or burden cannot be identified at this time.

Jack Osterholt
Deputy Mayor

160263

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(E)
2-17-16

ORDINANCE NO. _____

ORDINANCE RELATING TO THE TREE TRUST FUND; AMENDING SECTIONS 2-1336 AND 24-39 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT RECOMMENDATIONS AS TO DISBURSEMENTS FROM THE TREE TRUST FUND WOULD BE MADE BY NEAT STREETS MIAMI; DELETING REFERENCES TO TREE FOREST ADVISORY COMMITTEE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to this ordinance, Neat Streets Miami would make recommendations to this Board as to proposed disbursements from the Tree Trust Fund, where such recommendations were previously made by the Tree and Forest Resources Advisory Committee; and

WHEREAS, the Tree and Forest Resources Advisory Committee was sunset years ago, and this Board wishes to update those portions of the Code which still reference that committee,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-1336 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 2-1336. Function.

* * *

>>5. The Board of Neat Streets Miami shall make recommendations to the Board of County Commissioners as to proposed disbursements from the Tree Trust Fund, only where such disbursements from the Tree Trust Fund require approval by the Board of County Commissioners.<<

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 2. Section 24-39 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-39. Tree Trust Fund [[~~and Tree Forest Resources Advisory Committee~~]].

* * *

[[~~(2) *Creation of the Tree and Forest Resources Advisory Committee.* The Tree and Forest Advisory Committee is hereby established for the purpose of providing the Board of County Commissioners with recommendations regarding the Tree Trust Fund, and recommendations to the Director regarding the establishment of policies relating to Ordinance Number 89-8.~~

~~(a) *Composition and qualifications of members.* The Committee shall be composed of thirteen (13) members which shall be appointed by the Board of County Commissioners. The Director or the Director's designee shall submit recommendations for appointments to the Miami-Dade County Manager. Members of the Committee shall be residents of Miami-Dade County who possess outstanding reputations for civic pride, interest, integrity, responsibility, and business or professional ability. Appointments shall be made by the County Commission on the basis of experience or interest in the fields of conservation, botany, horticulture, landscape architecture, agriculture, land use planning, or land development. The Director or the Director's designee shall serve as executive secretary to the Committee. The process of appointment and other requirements of Ordinance 80-136 (Chapter 2, Article I B, Sections 2-11.36 through 2-11.40 of this Code) shall be followed.~~

~~(b) *Terms of office and organization.* In order that the terms of office of all appointed members of the Committee shall not expire at the same time, the initial appointments to the Committee shall be as follows: seven (7) members shall be appointed for a term of one (1) year, and six (6) members shall be appointed for a term of two (2) years. Thereafter, all members shall be appointed for a term of two (2) years. Appointments to fill any vacancy on the Committee shall be for the remainder of the unexpired term of office. The members of the Committee shall elect a chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Committee.~~

~~Appointed members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, in accordance with County policy, upon approval of the County Manager. A majority vote of a quorum shall be necessary to take any action. Seven (7) members shall constitute a quorum.~~

~~(c) *Meetings and authority.* The Committee shall hold a minimum of one (1) publicly advertised meeting per year. The Committee shall have the authority to make recommendations to the Board of County Commissioners concerning any matter relating to the tree trust fund. The Committee shall also have the authority to make recommendations to the Director regarding Departmental policies relating to Ordinance Number 89-8, and shall review and approve the quantitative evaluation form which the Department shall use for evaluating natural forest communities. In addition, upon request, the Committee shall have the authority to make recommendations to the Environmental Quality Control Board concerning variance requests made pursuant to Ordinance Number 89-8, natural forest community site additions or deletions, and natural forest community boundary line modifications being proposed by the Director or the Director's designee.~~]]

[[~~(3)~~]]>>(2)<< *Disbursement and maintenance of the Tree Trust Fund.* Monies obtained for the Tree Trust Fund shall be disbursed for the acquisition, maintenance, management and protection of natural forest communities or for planting trees on public property. Such monies may be used as a matching fund contribution towards the acquisition of natural forest communities in Miami-Dade County in association with other public land acquisition programs, such as, but not limited to, the State of Florida Conservation and Recreational Lands Trust Fund. Said trust fund shall be kept and maintained in trust by the Board of County Commissioners solely for the purposes set forth in this section in a separate and segregated fund of the County which shall not be commingled with other County funds until disbursed for an authorized purpose pursuant to this section. Disbursement from the tree trust fund shall require approval by resolution of the Board of County Commissioners, provided, however, that any funds received pursuant to the conditions of any tree removal permit shall be used as required by the permit conditions without the necessity of approval, appropriation, or action of any kind by the Board of County Commissioners. Prior to approving disbursements, the

Board of County Commissioners shall consider the recommendations of the County [[~~Manager~~]]>>Mayor<< and >>Neat Streets Miami<<[[~~the Tree and Forest Resources Advisory Committee~~]]. The County >>Mayor<<[[~~Manager~~]], prior to making any such recommendations, shall consider the recommendations of the Department pertaining to the proposed disbursement(s) for the acquisition of natural forest communities or planting of trees on public property. The Finance Director is hereby authorized to establish the Tree Trust Fund and to receive and disburse monies in accordance with the provisions of this section.

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: APW

Prepared by: ASR

Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Dennis C. Moss
Co-Sponsors: Vice Chairman Esteban L. Bovo, Jr.
Commissioner Daniella Levine Cava
Commissioner Rebeca Sosa

8