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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(L)

(Second Reading 9-7-16)

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

DATE: June 7, 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 for subaccount to Tree Trust Fund for planting trees on public property; providing for procedures for disbursement from subaccount in conjunction with Neat Streets Miami; deleting references to Tree Forest Advisory Committee

Ordinance No. 16-93

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

Abigail Price-Williams
County Attorney

APW/smm

Memorandum

MIAMI-DADE COUNTY

Date: September 7, 2016

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

From: Carlos A. Gimenez
Mayor

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

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The proposed ordinance relating to the Tree Trust Fund amends Sections 2-1336 and 24-39 of the Code of Miami-Dade County removing reference to the sunsetted Tree and Forest Resources Advisory Committee (Advisory Committee), creating a subaccount under the Tree Trust Fund dedicated to planting trees on public property and further requires that 35 percent of the previous fiscal year's contributions to the Tree Trust Fund be placed in the subaccount and used in a certain manner. The proposed ordinance also requires an annual report detailing the distributions from the subaccount to the Neat Streets Miami Board and the Board of County Commissioners.

This proposed ordinance is not anticipated to create a fiscal impact to the County as the removal of references to the Advisory Committee and creation of the subaccount will not require additional staffing resources or generate any new operational expenses.

Jack Osterholt
Deputy Mayor

FIS06816 161125

Memorandum

MIAMI-DADE COUNTY

Date: September 7, 2016

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

From: Carlos A. Gimenez
Mayor

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

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The proposed ordinance removes references to the Tree and Forest Resources Advisory Committee (Advisory Committee), which sunsetted in 1993; creates a subaccount under the Tree Trust Fund dedicated to planting trees on public property; and further requires that 35 percent of the previous fiscal year's contributions to the Tree Trust Fund be placed in the subaccount. Funds deposited into the subaccount shall be used to enhance roadways and transportation gateways with a preference given to areas with 20 percent or less of tree canopy and located in a Census Tract that is in the fourth or fifth quintile distribution of Median Household Income.

Residents and businesses in, as well as commuters through, areas with diminished canopies and are of lower household income will directly benefit from the planting of trees with funds from the proposed subaccount. Additionally, the Advisory Committee expired in 1993, and modification of the Code to remove its reference does not have a particular social equity benefit or burden.

Jack Osterholt
Deputy Mayor

161125

MEMORANDUM

(Revised)

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

DATE: September 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(L)

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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(L)
9-7-16

ORDINANCE NO. 16-93

ORDINANCE RELATING TO THE TREE TRUST FUND; AMENDING SECTIONS 2-1336 AND 24-39 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SUBACCOUNT TO TREE TRUST FUND FOR PLANTING TREES ON PUBLIC PROPERTY; PROVIDING FOR PROCEDURES FOR DISBURSEMENT FROM SUBACCOUNT IN CONJUNCTION WITH NEAT STREETS MIAMI; DELETING REFERENCES TO TREE FOREST ADVISORY COMMITTEE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, historically, trees have been removed in correlation with new development, and this Board wishes to provide greater opportunities for highly populated areas to maintain and grow their tree canopy; and

WHEREAS, in an effort to increase Miami-Dade County's tree canopy, Neat Streets Miami launched Million Trees Miami in 2011; and

WHEREAS, to facilitate the planting of trees on public property, this ordinance creates a subaccount in the Tree Trust Fund that is dedicated to such purposes; and

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

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. *Tree Trust Fund Subaccount Dedicated to Planting Trees on Public Property.* For the Subaccount to the Tree Trust Fund, as created by Section 24-39 of this Code, monies may be disbursed administratively for the planting of trees on public property along public rights-of-way within Miami-Dade County, with the goal of enhancing our roadways and transportation gateways. All such disbursements shall be made in conjunction with the Miami-Dade Street Trees Matching Grant program and shall require matching funds or resources, to the satisfaction of the Director of Parks, Recreation and Open Spaces Department, or successor department, with a preference given to areas with 20 percent or less of tree canopy and which are located in a Census Tract that is in the fourth or fifth quintile distribution of Median Household Income. A report detailing the disbursements from this Tree Trust Fund Subaccount shall be presented to the Neat Streets Miami Board and the Board of County Commissioners on an annual basis.<<

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~~]].

* * *

[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.

[[~~(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>>, in accordance with the following:<<[[~~.~~]]

>>(a)<< 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.

>>(b)<< 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.

>>(c)<< 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 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.

>>(d)<< 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.

>>(e) Notwithstanding anything provided herein, on an annual basis, monies equivalent to 35 percent of the previous fiscal year's contributions to the Tree Trust Fund shall be placed in a Subaccount of the Tree Trust Fund, and such Subaccount shall be dedicated solely to the planting of trees on public property. Disbursements from this Subaccount shall be made pursuant to the procedures and requirements of Section 2-1336(5) of this Code.<<

* * *

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: September 7, 2016

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Dennis C. Moss