

ORDINANCE 123052

AN ORDINANCE relating to the creation of an Urban Forestry Commission to advise and make recommendations to the Mayor and City Council and establishing a new Chapter 3.72 of the Seattle Municipal Code in connection therewith.

WHEREAS, it is in the public interest to protect the City's urban forest as it provides considerable benefit to the city in reducing stormwater runoff and pollution, absorbing air pollutants, providing wildlife habitat, providing shade, stabilizing soil, and providing considerable aesthetic benefits;

WHEREAS, the City is undertaking efforts that promote the benefits of retaining and protecting the urban forest through the adoption of plans, policies and regulations protecting these resources including trees and vegetation; and,

WHEREAS the City seeks to balance their stated goals of protecting, maintaining and enhancing the Urban Forest while supporting future growth and density as provided in the City's Comprehensive Plan and by other City actions taken in support of the Growth Management Act; and,

WHEREAS, the City seeks to provide greater oversight in these efforts through the creation of a Commission that will provide advice to the City in the adoption of plans, policy and regulations, NOW THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:



1 Section 1. A new Chapter 3.72 is added to the Seattle Municipal Code, as follows:

2 **Chapter 3.72- Urban Forestry Commission**

3 **3.72.010 – Urban Forestry Commission - Establishment**

4 There is hereby established an Urban Forestry Commission (The Commission) to advise
5 the Mayor and City Council concerning the establishment of policy and regulations governing
6 the protection, management and conservation of trees and vegetation in the City of Seattle. All
7 references to “The Commission” in Chapter 3.72 SMC shall be deemed to be a reference to the
8 “Urban Forestry Commission”.
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10 **3.72.020 Membership**

11 A. The Commission is comprised of nine members:

- 12 1. A wildlife biologist, preferably with expertise in ornithology (Position #1);
13 2. An urban ecologist, preferably with expertise in the field of restoration ecology
14 (Position #2);
15 3. A representative of a local, state, or federal natural resource agency or an accredited
16 university (Position #3);
17 4. A hydrologist or similar professional, preferably with expertise in the study of natural
18 drainage, climate or air quality, or a combination thereof (Position #4);
19 5. An arborist, with one or more of the following qualifications:
20 a. Board Certification as a Master Arborist or Municipal Specialist from the
21 International Society of Arboriculture; or
22 b. Certification by the American Society of Consulting Arborists; or
23 c. Background and experience in Tree Risk Assessment from a credentializing
24 agency or a professional organization.
25 (Position #5);
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1 6. A landscape architect, with certification from the International Society of
2 Arboriculture (Position # 6);

3 7. A representative of a non-profit or non-governmental organization whose mission is to
4 advocate for preservation or enhancement of urban forests, wildlife habitat or similar natural
5 systems (Position #7);

6 8. A representative of either the development community, including developers, builders,
7 architects, or realtors, with experience in projects developed under Leadership in Energy and
8 Environmental Design (LEED), or a representative from a non-city utility (Position #8); and,

9 9. An economist, financial analyst, Washington State licensed real estate broker, or any
10 other similar professional, with expertise preferred in land use planning, environmental planning,
11 or either residential or commercial development. (Position #9).

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14 **3.72.030 The Commission - Appointment and Term**

15 All positions are numbered one through nine. Individuals shall be appointed into those
16 numbered positions. Members in odd numbered positions from position one to position seven
17 shall be appointed by a majority vote of the Council. Individuals in even numbered positions
18 from position two to position eight shall be appointed by the Mayor, subject to confirmation by a
19 majority vote of the City Council. Position nine shall be appointed by a majority vote of the eight
20 appointed members. All nine positions shall be filled as soon as practicable after the Council has
21 authorized the creation of the Commission.

22 For the initial round of appointments the positions will be staggered: positions one, two
23 and nine shall serve one-year terms, positions four, five and six shall serve two-year terms and
24 positions three, seven, eight shall serve three-year terms. At the conclusion of the initial term of
25 each appointment, all subsequent terms of each position shall be for three years and the term of
26 1/3 of the positions shall expire each year. A commission member whose term has expired shall
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1 continue to hold office until a successor has been appointed by vote of the Council. No members
2 shall serve more than two consecutive terms. Any vacancy for an unexpired term shall be filled
3 in the same manner as for an original appointment under this section.

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5 **3.72.040 Compensation**

6 Members serve without compensation.

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8 **3.72.050 Duties and Functions**

9 A. The responsibilities of the Urban Forestry Commission include:

10 1. To provide recommendations on any Urban Forestry Management Plan, or any similar
11 document, designed to provide policy direction to the Mayor and City Council on preserving and
12 protecting the City's urban forest habitat and its trees and understory vegetation in the City,
13 whether on public or private property;

14 2. To provide recommendations concerning City plans, major or significant policy
15 recommendations, and any City department's recommendations related to urban forestry,
16 arboriculture and horticulture;

17 3. To provide recommendations on legislation concerning urban forestry management,
18 sustainability and protection of associated trees and understory vegetation and related habitat on
19 public or private property prior to its introduction and referral to any Council committee;

20 4. To review and comment on any proposal to inventory trees within the City of Seattle;

21 5. To educate the public on urban forestry issues;

22 6. To review programs for identifying and maintaining trees and related understory
23 vegetation in the City which have significant historical, cultural, environmental, educational,
24 ecological or aesthetic value and make recommendations to the Mayor and City Council;

25 7. To review and comment on the preliminary proposed work program submitted by the
26 Office of Sustainability and Environment (OSE), as required under SMC 3.14.980A and any
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1 revised proposed work program, as required under SMC 3.14.980B, pertaining specifically to
2 Urban Forestry;

3 8. To review and comment on any work undertaken by any City interdepartmental
4 technical or advisory bodies related to the protection or enhancement of the Urban Forest;

5 9. The development of an annual report provided to the Mayor and City Council
6 concerning the activities of The Commission;

7 10. Monitor implementation of City plans and policies related to the urban forest, and
8 provide review and comment to the Mayor and City Council; and,

9 11. The Commission shall also have such other and further powers and duties as may be
10 provided by ordinance.

11 B. The Commission shall act in an advisory capacity only.

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13 **3.72.060 Ancillary powers**

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15 A. The Urban Forestry Commission shall have the power to:

16 1. Select one member as the presiding officer of The Commission for a term of one (1)
17 year. No person shall serve as presiding officer for more than two consecutive years;

18 2. Organize itself, establish committees or subcommittees, and delegate duties for the
19 performance of its work; and

20 3. Adopt rules of procedure in accordance with the Administrative Code (Chapter 3.02 of
21 the Municipal Code) to accomplish its functions;

22 B. The Commission shall be staffed by the Office of Sustainability and Environment
23 (OSE) as well as staffed with assistance by technical support from other appropriate City
24 departments and offices as necessary to assist the Commission in the performance of its
25 functions, maintenance of its records, conduct of official correspondence, arrangement for
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1 meetings and preparation of estimates of expenditures for use by the Director of the Office of
2 Sustainability and Environment in preparation of that Department's annual budget; and

3 C. Meetings of The Commission, the minutes of its proceedings, and its findings and
4 recommendations shall be open to the public. Meeting notifications, agendas, minutes of
5 proceedings, annual reports and other related materials shall be available to the public and posted
6 on OSE website.

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8 **3.72.070 Unexcused absences**

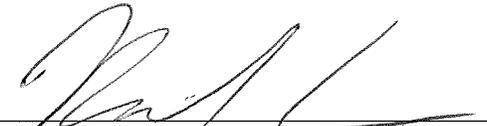
9 The Commission may remove from office any member who is absent without excuse
10 from three (3) consecutive Commission meetings. Removal of a member requires a majority vote
11 of the Commission membership.

12 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after
13 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
14 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
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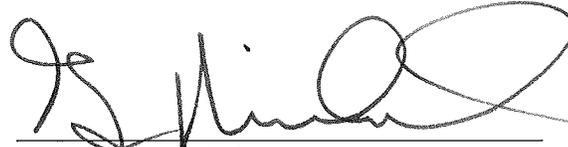
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Passed by the City Council the 3rd day of August, 2009, and
signed by me in open session in authentication of its passage this
3rd day of August, 2009.



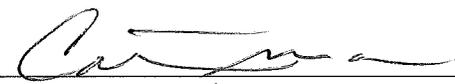
President _____ of the City Council

Approved by me this 10th day of August, 2009.



Gregory J. Nickels, Mayor

Filed by me this 10th day of August, 2009.



City Clerk Anten

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Michael Jenkins/615-1674	NA

Legislation Title:

AN ORDINANCE relating to the creation of an Urban Forestry Commission to advise and make recommendations to the Mayor and City Council and establishing a new Chapter 3.72 of the Seattle Municipal Code in connection therewith.

Summary of the Legislation:

The legislation establishes an Urban Forestry Commission to advise the City Council and the Mayor on policy and regulations related to tree protection on public and private property. The commission will be comprised of 11 individuals appointed by the City Council and the Mayor, and includes a variety of stakeholders with various levels of expertise including the fields of urban forestry, arboriculture and horticulture. The Commission will be primarily staffed by the Office of Sustainability and Environment.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The creation of this commission arises from the recommendations in the 2007 Urban Forestry Management Plan and the findings of the 2009 City Auditor's report on the City's tree management practices.

- *Please check one of the following:*

This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*

- **Other Issues** *(including long-term implications of the legislation):*

No funds are appropriated with this legislation. It is assumed that staffing for this Commission will occur within the existing resources of the Office of Sustainability and Environment. On limited occasions, it is likely that representatives of other City Departments including Seattle Department of Transportation, Department of Planning and Development and Seattle City Light will provide staff time or resources to respond to Commission inquiries or requests.





**Legislative Department
Seattle City Council
Memorandum**

TO: Council Bill 116577 – file
FROM: Michael Jenkins, Council Central Staff
DATE: August 3, 2009
RE: tracking version updates

Version 12b was introduced with the initial Council Bill while Version 16b was passed out of the Environment, Emergency Management and Utility committee. Versions between these two documents were internal working documents developed during staff review. V16b received approval from the Law department.