

**Draft 2/15/2021**

**Division 14 – Tree Trust Fund**

- A. *Establishment and Purpose.* The City of Atlanta shall maintain a Tree Trust Fund for the protection, maintenance, and regeneration of trees and other forest resources of Atlanta.
  - 1. The primary purpose of the Tree Trust Fund is to ensure no net loss of tree canopy by planting replacement, when healthy trees are removed from private and public property and cannot be replaced on site in accordance with the provisions of this Article.
  - 2. The Tree Trust Fund supports tree planting on public land, planting enhancements, and the purchase and conservation of forested land.
  - 3. The Tree Trust Fund also supports prevention of the loss of existing tree canopy by supporting monitoring, data collection, analysis, public education, and staff allocated to the administration of this Article.
- B. *Sources of Tree Trust Fund revenue* shall occur through the following means, including but not limited to:
  - 1. All monies collected for recompense pursuant to this Article shall be paid to the Tree Trust Fund;
  - 2. Payment of civil penalties, civil remedies and fines resulting from enforcement actions mandated by this Article; and
  - 3. Revenue generated, such as fees for carbon offset credits, through the use of city-owned forested land.
- C. *Authorized Expenses. The Tree Trust Fund may be used for expenditures as defined below:*
  - 1. *Fixed Expenses.*
    - a. *Tree Planting and Maintenance.* The Tree Trust Fund may be used to support tree planting projects on public and private property and to maintain trees for up to two years after planting. The total annual allocation of funds for tree planting must be no less than 50%. The percentage of annual expenditures shall be calculated as a rolling 3-year average.
      - 1. *Location.* Trees may be planted in the right-of-way or on other public property and on private property within thirty (30) feet of the right-of-way.
      - 2. *Record of location.* The location of trees planted and maintained utilizing the Tree Trust Fund shall be recorded by the Senior Arborist in a format designated by the Department of Planning. The Senior Arborist shall provide those locations to the Department of Planning at the end of the tree planting season, but no later than May 30<sup>th</sup>.
      - 3. *Replacement.* The City shall require a minimum two- (2)-year replacement guarantee for all trees planted utilizing Tree Trust Funds.
      - 4. *Monitoring.* A City Arborist or designee shall inspect all trees planted under the Tree Trust Fund at least once between twelve (12) and twenty-four (24) months after planting, assess the condition and survival of the trees, and shall require the responsible party to make any corrections or plant replacement trees within twelve (12) months of notification.

- b. *Forested Land and Easement Purchases.* Trees Trust Funds may be utilized to purchase land meeting minimum forested standards of 1,000 DBH inches and/or fifty (50) trees per acre, provided that:
1. The Department of City Planning and Parks and Recreation will establish written criteria for section of eligible land purchases;
  2. The Commissioner of the Department of Parks and Recreation and the Commissioner of the Department of City Planning, with the review of the Tree Conservation Commission, will provide a recommendation regarding the proposed purchase;
  3. Legislative approval of the purchase requires that the land be preserved as forested land; and
  4. A minimum of \$200,000 of the revenues received by the Tree Trust Fund each fiscal year will be allocated for future forested land and easement purchases.
- c. *Administration of Tree Protection Ordinance.* A maximum of \$50,000 per fiscal year of the fund monies may be used for costs arising directly from administering and enforcing this Article. These costs include but are not limited to the following:
1. Posting trees to be removed;
  2. Analyzing, reporting, and publishing reports related to this Article;
  3. Supplies and field equipment;
  4. Court reporter services at Tree Conservation Commission hearings; and
  5. Honoraria for Tree Conservation Commission members and other costs require to fulfill the direct duties of the Tree Conservation Commission.
- d. *Educational Expenses.* During any given fiscal year, five percent (5%) of the funds received by the Tree Trust Fund during the immediately preceding fiscal year or \$100,000, whichever is greater, shall be placed into a Tree Trust Fund Educational Outreach account, and such monies shall be used for educational materials, educational programs, and educational outreach including support for projects in collaboration with community partners. Any amount not expended in the given fiscal year shall remain in the account to be utilized in future years. The Educational Outreach Fund account expenses shall require approval from the Tree Conservation Commission. All educational grants from the Tree Trust Fund shall be approved by the Tree Conservation Commission.
- e. *Salaries.* Tree Trust Fund monies may be expended to support the salaries of only the following positions. The positions must adhere to the following job descriptions. If the costs of the salaries and benefits of all positions exceed the allocated amount, the remainder of the cost shall be assumed by the General Fund Budget of either the Department of City Planning or the Parks and Recreation Department:
1. *City Arborist positions.* A maximum of \$120,000 per year of the Tree Trust Fund may be used for the annual salary and benefits of two (2) arborist positions.
  2. *Senior Arborist.* A maximum of \$75,000 per fiscal year of the Tree Trust Fund may be used to pay for the annual salary and benefits of an Arborist Senior/Project Manager position. All responsibilities of this position shall be related to oversight of projects financed by the Tree Trust Fund associated with tree planting, maintenance, and reporting including identification of qualified contractors,

preparation of requests for proposals, inspection of work, and assurance of compliance with this Article.

3. *Administrative Assistant.* A maximum of \$60,000 per fiscal year of the Tree Trust Fund may be used to pay for the annual salary and benefits of the administrator, whose primary responsibilities are educational outreach regarding tree preservation, care, and support for the tree ordinance, guiding the Tree Conservation Commission in budget preparation, preparing and reviewing reports, and overseeing the creation of the Urban Master Plan.
  4. *Tree Conservation Commission Clerk.* A maximum of \$40,000 per year of the Tree Trust Fund may be used to pay for a portion of the annual salary and benefits of the position, whose duties support the clerical and administrative aspects of the tree appeals process.
  5. *Additional Job Positions.* Other than those job positions and associated salaries and benefits already enumerated in this Subsection, no additional job positions, salaries and benefits shall be added, reclassified, or otherwise charged to the Tree Trust Fund unless approved by City Council in an ordinance (a) describing the need and benefit to the Tree Trust Fund of such action, and (b) specifically amending this Subsection C-e, to incorporate the pertinent job position and/or salary and benefits being charged to the Tree Trust Fund.
2. *Other Allowable Expenses:*
- a. *Maintenance of Forested Lands.* Funds may be used for the maintenance of land purchased with the Tree Trust Fund within three (3) years of purchase date after which other funding sources must be identified. Costs must be related to establishing a long-term maintenance plan, site stabilization, pruning, mulching, treating for pests, diagnostic testing, and removal of invasive plants that threaten forest health. Maintenance shall be limited to initial, short term tree restoration and stabilization related to the protection, preservation and regeneration of trees on the property. No funds from the Tree Trust Fund may be used for permanent infrastructure, including but not limited to the development or maintenance of roads, parking lots, trails, buildings or similar infrastructure on the property.
  - b. *Tree Canopy Studies.* Tree Trust Fund monies may be expended to update tree canopy imagery and analyses on a four (4) to six (6) year cycle, as recommended by the Tree Conservation Commission.
  - c. *Planting Enhancements.* The Tree Trust Fund may be used to support the purchase and/or installation of structural soil, soil cells, or other suspended pavement systems for public street tree planting including the modification of existing conditions, such as concrete cutting or stump grinding to enable new tree planting.
  - d. *Retention of Sidewalk Trees.* Tree Trust Fund may be used to design purchase, construct, and implement techniques and materials for sidewalk and/or roadway improvements or repairs performed by or at the direction of the Department of Public Works, where the expenditures are used to prevent the destruction of existing healthy trees.
    1. Techniques include without limitation alternative sidewalk materials, root bridging and hand digging.

2. Cumulative expenditures pursuant to this subsection that exceed \$100,000 in any fiscal year, must be authorized by duly enacted legislation, even if not required under the City Procurement Code [or approved by the Tree Conservation Commission].
- e. *Urban Forest Master Plan* as detailed in Section 158-77
- D. *Tracking and Reporting of Tree Trust Fund*. It is the policy of the City of Atlanta to ensure transparency regarding the use of funds from the Tree Trust Fund.
  1. *Review and Approval of Expenditures*. Parks and Planning shall each prepare a proposed annual budget of Tree Trust Fund fiscal year expenditures for review and comment by the Tree Conservation Commission. The proposed budget shall be provided to the Tree Conservation Commission before annual budgets are developed by the City Council Finance/Executive Committee (or any future governing committee). Any comments to the proposed budget by the Tree Conservation Commission shall accompany the submission of the proposed budget to the Finance/Executive Committee for its review in developing the Tree Trust Fund budget for the upcoming fiscal year. Tree Trust Fund Education Outreach account expenditures shall require approval from the Tree Conservation Commission. Within (90) days of the end of the fiscal year, the Administrative Assistant shall submit to the Community Development/Human Services Committee a report of all expenditures and activities of the preceding fiscal year.
  2. *Financial Reporting*. Within ninety (90) days of the end of the fiscal year, the Department of City Planning shall submit to the Community Development/Human Services Committee of the City Council a financial report of all funds collected and credited to the Tree Trust Fund during the preceding fiscal year. The report shall include a separate accounting of funds received as recompense. Recompense totals shall be accounted for quarterly and reported on the Department of Planning website within twenty (20) days of the last day of each fiscal quarter.
  3. *Expenditures*. Within ninety (90) days of the end of the fiscal year, the Department of City Planning shall submit to the Community Development/Human Services Committee of City Council a report of all expenditures charged to the Tree Trust Fund during the preceding fiscal year.
  4. *Audit*. The Tree Trust Fund shall be audited by the City after the close of the Tree Trust Fund's first full fiscal year being governed by this Section 158-76, and the audit results shall be publicly available on the COA website. Thereafter, audits shall be conducted every five (5) years unless City Council determines an interim audit is required.

#### Section 158-77 Urban Forest Master Plan

- A. *Urban Forest Master Plan*. Tree Trust Fund monies may be expended on activities associated with the creation and implementation of the City's Urban Forest Master Plan. The Urban Forest Master Plan shall be overseen by the Tree Conservation Commission. The Master Plan shall be created and implemented no later than one (1) year after approval of this Article and shall be updated at least every (3) three years.

- B. The Tree Conservation Commission may appoint an advisory committee to assist in the preparation of the master plan. Expenditures for professional fees associated with the cost of developing the Urban Forest Master Plan may be authorized from the Tree Trust Fund upon approval by the Tree Conservation Commission.
- C. The purpose of the Urban Forest Master Plan is to promote efficient and cost-effective management of the urban forest and to maximize the ecological and green infrastructure benefits of trees and forests throughout the City.
- D. The Master Plan should support the Tree Protection Ordinance and seek to improve the Urban Forest based on the following principles:
  - 1. Preserve existing trees and forests;
  - 2. Increase space for tree plantings;
  - 3. Preserve and improve the quality of the tree-growing environment;
  - 4. Provide an inventory of existing trees in the City;
  - 5. Select trees for diversity and long-term sustainability;
  - 6. Select appropriate and efficient planting locations; and
  - 7. Manage the urban forest as a continuous resource regardless of ownership boundaries.