



**Agenda Item B.1**  
**DISCUSSION/ACTION ITEM**  
**Meeting Date: May 6, 2013**

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**TO:** Commissioners  
**FROM:** Steve Wagner, Public Works Director  
**SUBJECT:** Overview of the Public Tree Advisory Commission

**RECOMMENDATION:**

Receive an overview of the Public Tree Advisory Commission

**BACKGROUND:**

On November 6, 2012, the City Council adopted Ordinance No. 12-16 establishing the Public Tree Advisory Commission (Attachment 1). The ordinance includes, but is not limited to, provisions regarding the purpose and powers of the Commission, the number of members, the length and method of appointments, residency requirements, responsibilities, and authority. Along with the establishing ordinance, Council adopted Resolution No. 12-78 organizing the Public Tree Advisory Commission (Attachment 2). Within this resolution Exhibit A outlines the "Duties and Responsibilities" for the Public Tree Advisory Commission.

**DISCUSSION:**

The Public Tree Advisory Commission was established in 2012. The Commission consists of five members appointed by the City Council. The Public Tree Advisory Commission has the principal duty of providing advice to staff and the City Council in developing plans and goals for the Goleta Urban Forest, represent the interests of the community and inform the community of the Urban Forestry program as directed by the City Council.

At today's meeting staff will provide additional information on the purpose of the Public Tree Advisory Commission and "Duties and Responsibilities".

Review By:

Approved By:

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Deborah S. Lopez  
City Clerk

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Steve Wagner  
Public Works Director

## ATTACHMENTS

1. Ordinance No.12-16 entitled "An Ordinance of the City Council of the City of Goleta, California, Adding Chapter 2.11 entitled "Public Tree Advisory Commission" to Title 2 of the Goleta Municipal Code Relating to the Establishment of a Public Tree Advisory Commission for the City of Goleta"
2. Resolution No.12-78 entitled "A Resolution of the City Council of the City of Goleta Organizing the Public Tree Advisory Commission"
3. Discussion/Action Items from Council Meetings on September 18, 2012, November 6, 2012, and November 20, 2012 in regard to the Establishment of a Public Tree Advisory Commission.

**ATTACHMENT 1**

Ordinance No.12-15 entitled "An Ordinance of the City Council of the City of Goleta, California, Adding Chapter 2.11 entitled "Public Tree Advisory Commission" to Title 2 of the Goleta Municipal Code Relating to the Establishment of a Public Tree Advisory Commission for the City of Goleta"

**ORDINANCE NO. 12-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, ADDING CHAPTER 2.11 ENTITLED "PUBLIC TREE ADVISORY COMMISSION" TO TITLE 2 OF THE GOLETA MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF THE PUBLIC TREE ADVISORY COMMISSION FOR THE CITY OF GOLETA**

**WHEREAS**, the City Council approved the City of Goleta Urban Forestry Management Plan on June 7, 2011; and

**WHEREAS**, the Plan called for the establishment of a volunteer Commission to advise the Council, City staff and the City Arborist in developing plans and goals for the Goleta Urban Forest, represent the interests of the community, work to resolve conflicts between community members and urban forestry policy, and inform the community of the Urban Forestry program.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals**

The following recitals are true and correct.

**SECTION 2. Addition of Chapter 2.11 to the Goleta Municipal Code**

Chapter 2.11 entitled, "Public Tree Advisory Commission," which is hereby added to Title 2, "Administration and Personnel" of the Goleta Municipal Code to read as follows:

Chapter 2.11  
Public Tree Advisory Commission

Sections:

- 2.11.010 Purpose of Public Tree Advisory Commission.
- 2.11.020 Created.
- 2.11.030 Members.
- 2.11.040 Appointment.
- 2.11.050 Qualifications of members.
- 2.11.060 Term of office.
- 2.11.070 Removal of office.
- 2.11.080 Vacancy in office.
- 2.11.090 Appeal to Public Tree Advisory Commission.
- 2.11.110 Appeal to City Council.

2.11.010 Purpose of Public Tree Advisory Commission.

The purpose of the Public Tree Advisory Commission shall be to provide advice to staff and the City Council in developing plans and goals for the Goleta Urban Forest, represent the interests of the community and inform the community of the Urban Forestry program as directed by the City Council.

2.11.020 Created.

A Public Tree Advisory Commission for the City is created. The City Council shall provide for the organization and duties of the Commission by resolution.

2.11.30 Members.

The Public Tree Advisory Commission shall be composed of five (5) members.

2.11.040 Appointment.

Following the procedures of California Government Code Section 54970, each councilmember shall have the authority to nominate one member to the Public Tree Advisory Commission. The City Council shall vote on whether to appoint each nominee. Such appointment requires at least three affirmative votes.

2.11.050 Qualifications of members.

(a) Members of the Public Tree Advisory Commission shall be residents of the City.

(b) Members of the Public Tree Advisory Commission should have an interest in and/or experience in urban forestry or landscaping.

(c) No member of the Public Tree Advisory Commission may be an employee or officer of the City.

2.11.060 Term of office.

(a) Each appointment of a Public Tree Advisory Commissioner shall be for a term equal to that of the Councilmember who nominated the Commissioner and shall expire when that council seat is vacated or on the next election day for that nominating Councilmember, whichever event occurs first.

(b) If after any council seat is vacated or a City Council election a new commissioner has not been selected, or a commissioner's term has not been

renewed, that commissioner shall serve until a new appointment or renewal is made.

(c) There is no limit on the number of times that a commissioner may be appointed.

2.11.070 Removal of office.

A member of the Public Tree Advisory Commission is automatically removed from office if the member is absent without excuse from three consecutive regular meetings of the Commission. Excuse shall be determined by the Chair. Excuse for the absence of the Chair shall be determined by the Vice-Chair. A member of the Public Tree Advisory Commission may be removed by a majority vote of all the City Council.

2.11.080 Vacancy in office.

A vacancy on the Public Tree Advisory Commission caused by death, resignation, removal of a commissioner, or any other cause before the expiration of a commissioner's term shall be filled by nomination by the Councilmember responsible for nominating that commission seat and appointment by the Council for the unexpired term.

2.11.090 Appeal to Public Tree Advisory Commission.

A decision made by City staff related to the planting and removal of trees may be appealed to the Public Tree Advisory Commission. However any decision made by City staff for the protection of the public health and safety of the citizens shall not be subject to appeal. A letter stating the reasons for the appeal, along with the appropriate fee, must be filed with the Public Works Department within the ten (10) days following the staff decision. If the tenth day falls on a day that the Public Works Department offices are closed, the appeal period is extended until 5:00 p.m. on the following business day.

2.11.110 Appeal to City Council.

Any persons may appeal a final decision by the Public Tree Advisory Commission to the City Council within ten (10) days of the decision becoming final. If a decision is not appealed to the City Council within that period, the decision cannot be appealed. The Public Works Department will notify the Public Tree Advisory Commission as to the scheduled date of the appeal hearing. The Public Tree Advisory Commission will designate a member to attend an appeal hearing.

**SECTION 3. Severability.**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 4. Certification of City Clerk.**

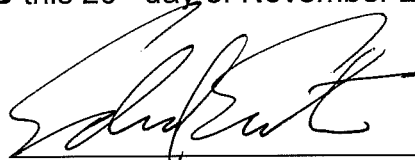
The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

**SECTION 5. Effective Date.**

This ordinance shall take effect on the 31<sup>st</sup> day following adoption by the City Council.

**INTRODUCED ON** the 6<sup>th</sup> day of November, 2012.

**PASSED, APPROVED, AND ADOPTED** this 20<sup>th</sup> day of November 2012.



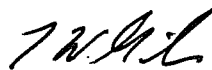
EDWARD EASTON, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**



DEBORAH CONSTANTINO  
CITY CLERK



TIM W. GILES  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) ss.  
CITY OF GOLETA )

I, Deborah Constantino, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 12-16\_ was introduced on November 6, 2012, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the 6<sup>th</sup> day of November 2012, by the following roll-call vote, to wit:

AYES: MAYOR EASTON, MAYOR PRO TEMPORE ACEVES,  
COUNCILMEMBERS, BENNETT, CONNELL AND PEROTTE.

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)

  
DEBORAH CONSTANTINO  
CITY CLERK



**ATTACHMENT 2**

Resolution No.12-78 entitled "A Resolution of the City Council of the City of Goleta  
Organizing the Public Tree Advisory Commission"

## RESOLUTION NO. 12-78

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA ORGANIZING THE PUBLIC TREE ADVISORY COMMISSION

**WHEREAS**, the City Council approved the City of Goleta Urban Forestry Management Plan on June 7, 2011; and

**WHEREAS**, the Plan called for the establishment of a volunteer Commission to advise the Council, City staff and the City Arborist in developing plans and goals for the Goleta Urban Forest, represent the interests of the community, work to resolve conflicts between community members and urban forestry policy, and inform the community of the Urban Forestry program; and

**WHEREAS**, the City Council has established a Public Tree Advisory Commission for the City; and

**WHEREAS**, it is appropriate to organize and define the duties of the Public Tree Advisory Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA AS FOLLOWS:**

#### **SECTION 1. MEETINGS**

The Commission shall hold meetings on an as-needed basis. All meetings of the Commission shall be held in the City of Goleta City Hall.

#### **SECTION 2. ORGANIZATION**

Each year, at its first regular meeting of the calendar year, the Commission shall elect from its membership a Chair and Vice-Chair.

The City shall maintain a public record of its resolutions, transactions, findings and determinations.

#### **SECTION 3. STAFFING**

The Public Tree Advisory Commission shall be supported by the Public Works Department and the City's Arborist or other appropriate staff as designated by the Director of Public Works will attend the meetings to advise the Board.


#### **SECTION 4. DUTIES AND RESPONSIBILITIES**

The Commission is authorized to exercise the Duties and Responsibilities attached as "Exhibit A." Additionally, the Commission shall respond to any matter referred to it by the City Council.

**SECTION 5. CERTIFICATION**

The City Clerk shall certify as to the adoption of this resolution.


**PASSED, APPROVED, AND ADOPTED** this 6<sup>th</sup> day of November, 2012.

  
\_\_\_\_\_  
EDWARD EASTON, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
DEBORAH CONSTANTINO  
CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
TIM W. GILES  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) ss.  
CITY OF GOLETA )

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 12-78 was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 6<sup>th</sup> day of November, 2012, by the following vote of the Council:

AYES: MAYOR EASTON, MAYOR PRO TEMPORE ACEVES,  
COUNCILMEMBERS BENNETT, CONNELL AND  
PEROTTE.

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)

  
DEBORAH CONSTANTINO  
CITY CLERK

## EXHIBIT "A"

### Duties and Responsibilities

1. Identify suggestions for the City Council, City Manager and City staff for the implementation of the Goleta Urban Forestry Management Plan.
2. Review and provide input on the development and review of the Annual Report as defined in the Urban Forestry Management Plan.
3. Consult with staff on updates to the Goleta Urban Forestry Management Plan as needed.
4. Review and provide suggestions to staff on the implementation of public tree planting.
5. Assist staff on the development, review and amendment of the comprehensive street tree inventory and master street tree list.
6. Review and advise staff on the development of a tree protection ordinance and any other ordinances associated with the Goleta Urban Forestry Management Plan; make recommendations on adoption of City ordinances to the City Council.
7. Coordinate with appointed City commissions and make recommendations to staff on policies, standards, guidelines and regulations for street trees and other public trees located within City-owned open spaces.
8. Review the City's annual street tree work program.
9. Review and make suggestions to staff on a recommend policy and guidelines for tree removal and replacement, to be reviewed annually, and advise staff on a regular, periodic programmed maintenance schedule.
10. Educate and assist staff in providing public outreach regarding the benefits of the Urban Forestry Program.
11. Consider and decide appeals from residents on city staff decisions regarding public tree removals, plantings, trimming, and pruning.

### ATTACHMENT 3

Discussion/Action Items from Council Meetings on September 18, 2012, November 6, 2012, and November 20, 2012 in regard to the Establishment of a Public Tree Advisory Commission.



**Agenda Item D.3**  
**DISCUSSION/ACTION ITEM**  
**Meeting Date: September 18, 2012**

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**TO:** Mayor and Councilmembers

**FROM:** Steve Wagner, Community Services Director

**CONTACT:** MaryJo Alonzo, Management Assistant

**SUBJECT:** Establishment of a Tree Advisory Board

**RECOMMENDATION:**

Provide staff direction on Council's preferred structure and responsibilities to be included in an ordinance establishing a Tree Advisory Board.

**BACKGROUND:**

The City of Goleta's General Plan calls for the development of an Urban Forest Master Plan (UFMP). In September of 2007, the City of Goleta applied for a grant from the California Department of Forestry and Fire Protection (Cal Fire) to develop an UFMP in cooperation with Goleta Valley Beautiful (GVB). Along with the development of the UFMP, the City developed a State of the Goleta Urban Forest Report and the Goleta Urban Forest Guidelines Report (both reports are included in the adopted UFMP). Several public meetings were held during this process to gather public input. A Stakeholder Group was also formed to solicit more in depth comments from the public. This group included; consulting certified arborists, landscape architects, landscape management professionals, homeowners and other interested parties.

In July of 2010, staff presented Council with the State of the Goleta Urban Forest and the draft Goleta Urban Forest Guidelines Report. During this meeting, Council provided policy direction to staff for the development of the UFMP. In June of 2011, the City Council approved the Goleta Urban Forestry Management Plan (GUFMP).

The GUFMP provides a five year policy framework for how trees within public areas will be managed. One of the requirements in the Plan is the establishment of a Tree Advisory Board for the City. The City's UFMP recommends that the Tree Advisory Board be tasked with providing advice to staff and the City Council on how to implement the City's urban forestry management program. The board would also advise staff in developing plans and goals for the Goleta Urban Forest, represent the interests of the community and inform the community of the Urban Forestry program. A formal board is an essential part of qualifying for an annual Tree City USA Award and associated grant funding.

## **DISCUSSION:**

This staff report provides Council with an opportunity to review the current state of the practice related to tree advisory boards, review how other cities have structured their boards or committees and provide staff with a recommended structure, including appropriate duties and responsibilities of a tree advisory board.

### **Overview of the State of the Practice**

Staff researched ordinances and bylaws of seven cities and one county in California to gather information and examples on the current state of the practice. The matrix depicting this information is included with this report as Attachment 1. Staff also outlined what types of responsibilities, authority and organizational structures are typically a part of a tree advisory board. The topics are summarized below and include staff recommendations and alternatives based on the information gathered from other cities.

The areas outlined below require further discussion and direction by Council as we work on forming an appropriate policy under which this board will function with. During today's meeting, it is recommended that Council provide staff with suggested policy direction on the information included with this report. Once directed, staff will prepare a draft ordinance establishing the Tree Advisory Board for Council consideration.

### **Duties and Responsibilities**

Several of the cities we researched had a comprehensive list detailing the duties and responsibilities of their established board. The primary role of the board is to act in an advisory capacity to either another commission or city council and the appropriate staff or department. The boards are used to advise staff on public street tree programs including the planting, removal and use of the approved street tree list. Several of the boards develop a yearly report of the City's tree program and advise staff on policies concerning public trees. All of the cities we studied allow the board's decisions related to the planting and removal of trees to be appealable to another commission or council.

Staff reviewed this information and narrowed our focus on the most relevant items that were included in the section of the GUFMP which outlined the purpose and responsibilities of a Tree Advisory Board. Included as Attachment 2 to this report is a list detailing the duties and responsibilities which could be undertaken by the City's proposed Tree Advisory Board.

The Tree Advisory Board will be tasked with advising staff on all matters related to tree plantings and removals for all street trees and trees in public areas. The City's Design Review Board will continue to provide review on all other matters related to private development.

Staff Recommendation: Consider the attached draft duties and responsibilities (Attachment 2) and provide suggested revisions or additions to the list.

Alternatives: Council could choose to revise this list depending on their policy direction.



### **Appeals from the Tree Advisory Board**

In many of the agencies surveyed, the board acts in an advisory role to either the City Council or a commission and to their respected staff. All of the cities allow the decision from their respective tree advisory board on issues related to the planting and removal of trees to be appealed to a higher level, with ultimate decisions made by the City Council. The Santa Barbara County Board of Supervisors is the advisory board and final appeal body on all matters related to the planting and removal of street trees in that jurisdiction.

Staff Recommendation: Staff's recommendation mirrors the same appeal process as the City's Design Review Board. Staff recommends that the following process be included in the City's Tree Advisory Board draft ordinance:

The final approval or denial of a decision related to the planting and removal of trees may be appealed if it is related to protecting the public health and safety of the citizens. Any person may appeal a Tree Advisory Board decision to the City Council. A letter stating the reasons for the appeal, along with the appropriate fee, must be filed with the Public Works Department within the ten (10) days following the final action. If the tenth day falls on a day that the Public Works Department offices are closed, the appeal period is extended until 5 p.m. on the following business day. The Public Works Department will notify the Tree Advisory Board as to the scheduled date of the appeal hearing. The Tree Advisory Board will designate a member to attend an appeal hearing.

Alternatives: If Council prefers a different process there are two options that can be used for appeals from the board related to the planting and removal of trees:

- 1) Allow anything to be appealed, except those where the decision protects the public health a safety of Goleta citizens (outlined above).
- 2) Allow nothing to be appealed from the Tree Advisory Board and provide them with final approval on all decisions regarding tree plantings and removal.

### **Member Qualifications**

Five cities have no specific qualifications outlined for their board members, while one city requires that at least one member of their board be qualified. The other cities state that members should be either: arborists; horticulturists; landscape architects; architects or design professionals or persons with a technical background in a related field; persons from garden clubs; conservation or beautification organizations; and/or members of the academic community with training in biological or other natural sciences. The City's GUFMP outlines that a minimum of one certified arborist/certified urban forester/registered consulting arborist professional be assigned to the board.

Two cities appoint a professional in the field or a city representative to a seat on the board as a non-voting ex-officio member. An ex-officio member usually possesses special knowledge and skills relating to architectural design, urban forestry and horticulture and provides technical advice and assistance in offering harmonious development within a city. The determination of size for the board is covered in the next subsection, Member Appointment.

Staff Recommendation: Appoint citizens that have an interest and/or experience in urban forestry or landscaping to the Tree Advisory Board. Appoint the City's contract arborist to be an ex-officio member of the board. Require that all members be City residents.

Alternatives: Council could require that at least one member of the board to be qualified, as outlined in the GUFMP. It may be more difficult for Council to attract citizens to sit on the board if they choose to follow the GUFMP requirements. Council can also choose to not appoint an ex-officio member to the board.

### **Member Appointment**

A majority of the cities studied have each council member appoint one citizen to the board. One city has the mayor appoint the members, and another city allows their park commission to appoint the members. Seven of the eight cities have five members on their board, while the other has seven members. Six of the cities have their boards elect a chair and vice-chair.

### Staff Recommendation:

1. Appoint five members to sit on the Tree Advisory Board.
2. Each council member may nominate one citizen to be on the board who must then be confirmed with a majority vote by the Council. Allow the Tree Advisory Board to elect a chair and vice-chair every year.

Alternatives: Depending on policy direction, Council can appoint more or less members to the Board. Council may also choose to follow one of the cities surveyed, which allowed their mayor to appoint the board members with confirmation from the Council. Initially, if this method is followed, it is expected that the entire Council would be involved in the initial appointment process. Council may also choose not to allow the Board to elect a chair and vice-chair.

### **Term of Office**

Three cities established two year terms, three cities and the county had four year terms and the other city had a three year term for their board.

Staff Recommendation: Establish four year, staggered terms with members serving at the will of the Council. Vacancies shall be filled in the same manner as the original appointment. There shall be no limit on the number of terms filled.

Alternatives: Depending on how Council chooses member qualifications, members' terms can either coincide with the appointing council members' term or appointments can vary depending on when the member was appointed to fill the board.

### **GOLETA STRATEGIC PLAN:**

Development of an Urban Forestry Management Plan is consistent with Strategic Plan Goal 6.0 entitled "Protect & Preserve the Environment, Agriculture & Open Space". Specifically, the development of the Tree Advisory Board meets the Objective 6.18

“Create an Ordinance that Establishes a Tree Advisory Committee” and moves the City closer to realizing its vision as defined within the City’s Strategic Plan.

**FISCAL IMPACTS:**

Adoption of the Tree Advisory Board does not have fiscal impacts in itself. However, there may be costs associated with the meetings and staff time needed to prepare and staff these meetings.

**ALTERNATIVES:**

The Council may elect to direct this project to be reviewed by the Ordinance Committee or may provide staff with feedback on areas to be included in an ordinance for the board and comment on the proposed duties and responsibilities of the board. Council may direct staff and have these items come back to Council at a subsequent meeting or ask staff to cease working on creating an ordinance to establish the Tree Advisory Board.

**Legal Review By:**

**Reviewed By:**

**Approved By:**

\_\_\_\_\_  
Tim W. Giles  
City Attorney

\_\_\_\_\_  
Michelle Greene  
Administrative Services  
Director

\_\_\_\_\_  
Dan Singer  
City Manager

**ATTACHMENTS:**

1. Matrix of Cities
2. Tree Advisory Board Duties and Responsibilities

## **ATTACHMENT 1**

### **Matrix of Cities**

Cities	Organization	# of Members	Term of Office	Member Qualifications	Member Appointment	Authority	Appeal	Staff Support for Committee
Carpinteria	Tree Advisory Board	5	2	Residents of Carpinteria Valley area. Members shall be lay citizens and others with established professional competence in a pertinent discipline.	Appointed by mayor with advice and consent of the city council. Members shall elect a chair and vice chair.	Advisory to City Council, City Manager, & City Staff. Hear appeals from residents on staff decisions regarding permits, plantings and removals.	Board decision can be appealed to City Council	City Clerk acts as secretary of the board. City Manager oversees the Board.
Santa Barbara County	Board of Supervisors	5	4	Each supervisor shall represent their district.	Elected by citizens of their supervisorial districts. Chairperson rotates annually among the five members.	Advisory to staff on issues related to the planting, re-planting and removal of street trees. Decisions of Urban Forester may also be vetted through community workshops with affected residents.	Board decisions are final.	All appeals or referrals come from the County's Urban Forester.
Santa Barbara	Street Tree Advisory Commission	5	2	All members must be (voting) citizen representatives who represent the diverse horticultural interests within the community, and by experience and/or education have specific technical knowledge or arboriculture or tree care. One member may reside outside the city limits.	Members are appointed by the Park Commission upon completion of the recruitment/interview process. A staff liaison shall serve as a non-voting member of the Committee. Up to two Park Commissioners shall act as non-voting liaisons to the Committee.	Advisory to city staff, Parks Commission and City Council. Considers referrals from Director on issues related to planting, maintenance and removal of trees in public right-of-ways or public areas.	Commission sends a recommendation to the Parks and Recreation Commission & that decision can be appealed to the City Council.	Urban Forest Superintendent or Director of Parks and Recreation
Lompoc	Beautification and Appearance Commission	5	4	All members must be city residents. No requirements for special member qualifications.	Each member is nominated by a Council Member, interviewed, approved by a majority vote, then appointed by the Mayor. Members elect a chair and vice chairperson each year.	Advisory to city council. Any decisions by the Parks and Urban Forestry Manager may be reviewed	Any interested person may appeal in writing to the City Council.	Parks and Urban Forestry Manager
Santa Maria	Recreation and Parks Commission	5	4	All members must represent the community 'at large.'	Appointed by the Mayor and Council. A secretary is appointed by the Commission and is to be an employee of the Recreation and Parks Department. Commission elects one of its members to act as chairman.	Any action of the City's Director of Recreation can be appealed and heard by the Commission	Commission's decision can be appealed to the City Council	Director of Recreation and Parks Dept.
Monterey	Architectural Review Committee	7	2	At least one shall be an architect or a person professionally competent in a field related to architecture unless no such person is available for appointment when the vacancy arises. Council may also appoint an ex-officio member.	Members are appointed by affirmation vote of the City Council. One member is selected by the Board to be the Chairperson.	Committee reviews decisions from the City Forester that are appealed or applications that are referred from the City Forester or Department of Public Works.	Commission's decision can be appealed to the Planning Commission	The Public Works Director or designee shall serve as Secretary.
Thousand Oaks	Planning Commission	5	4	All members must be city residents. No requirements for special member qualifications.	Each Councilmember shall nominate a person for one position and shall be approved and appointed by the Council. The Community Development Director, the City Attorney or their designated representative shall be ex officio members of the Commission.	Reviews decisions made by the Community Development Director related to tree planting and removal. Acts in an advisory capacity to City Council and City staff.	Board decision can be appealed to City Council.	Community Dev. Dept. Director/ PW Municipal Svc. Center, Landscape Div.
Coronado	Street Tree Committee	5	3	All members must be city residents. No requirements for special member qualifications.	Each member is appointed by the City Council. The committee elects a chair and vice chair.	Requests for removals other than hazardous conditions are normally referred to the Committee for consideration. Advisory to City Council and City staff.	Board decision can be appealed to City Council.	Director of Public Services

## **ATTACHMENT 2**

### **Tree Advisory Board Duties and Responsibilities**

## **Tree Advisory Board Duties and Responsibilities**

1. Act in an advisory capacity to the City Council, City Manager and City staff in the implementation of the Goleta Urban Forestry Management Plan.
2. Advise staff on implementing the goals outlined in the Urban Forestry Management Plan.
3. Advise staff on the development and review of the Annual Report as defined in the Urban Forestry Management Plan.
4. Advise staff on updates to the Goleta Urban Forestry Management Plan as needed.
5. Advise staff on the implementation of public tree planting.
6. Advise staff on the development, review and amendment of the comprehensive street tree inventory and master street tree list.
7. Advise staff on the development of a tree protection ordinance and any other ordinances associated with the Goleta Urban Forestry Management Plan.
8. Advise staff on policies, standards, guidelines and regulations for street trees and other public trees located within City-owned open spaces.
9. Advise staff of the City's annual street tree work program.
10. Advise staff on a recommend policy and guidelines for tree removal and replacement, to be reviewed annually, and advise staff on a regular, periodic programmed maintenance schedule.
11. Advise staff on public outreach and education regarding the benefits of the Urban Forestry Program.
12. Review city staff decisions on appeal regarding tree removals, plantings, trimming, and pruning.



**Agenda Item C.4**  
**DISCUSSION/ACTION ITEM**  
**Meeting Date: November 6, 2012**

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**TO:** Mayor and Councilmembers

**FROM:** Steve Wagner, Community Services Director

**CONTACT:** MaryJo Alonzo, Management Assistant

**SUBJECT:** Establishment of a Public Tree Advisory Commission

**RECOMMENDATION:**

- A. Introduce and conduct the first reading (by title only and waive further reading) of Ordinance No. 12-\_\_ (Attachment 1), entitled “An Ordinance of the City Council of the City of Goleta, California, Adding Chapter 2.11 Entitled “Public Tree Advisory Commission” to Title 2 of the Goleta Municipal Code Relating to the Establishment of a Public Tree Advisory Commission for the City of Goleta;” and
- B. Adopt Resolution No. 12-\_\_ (Attachment 2), entitled “A Resolution of the City Council of the City of Goleta, California Organizing the Public Tree Advisory Commission.”

**BACKGROUND:**

The City of Goleta’s General Plan calls for the development of an Urban Forest Master Plan (UFMP). In June of 2011, the City Council approved the Goleta Urban Forestry Management Plan (GUFMP). The GUFMP provides a five year policy framework for how trees within public areas will be managed. One of the requirements in the Plan is the establishment of a Board for the City Council. The City’s UFMP recommends that the Board be tasked with providing advice to staff and the City Council on how to implement the City’s urban forestry management program. The board would also advise staff in developing plans and goals for the Goleta Urban Forest, represent the interests of the community and inform the community of the Urban Forestry program. A formal board is an essential part of qualifying for an annual Tree City USA Award and associated grant funding.

**DISCUSSION:**

On September 18, 2012, Council was given the opportunity to review the current state of the practice related to tree advisory commissions, review how other cities have structured their commissions and provide staff with a recommended structure, including appropriate purview and the duties and responsibilities of the commission.



Staff took Council’s direction and developed an ordinance establishing a commission. The draft ordinance and accompanying resolution was presented to the Ordinance Committee on October 30, 2012. The ordinance outlines the following areas for establishing a commission:

- Purpose
- Members
- Appointment
- Qualifications of members
- Term
- Removal from office
- Vacancy
- Appeal to Commission
- Appeal to City Council

The resolution acts as an accompanying document and outlines the following areas in organizing the commission:

- Meetings
- Organization
- Staffing
- Duties and Responsibilities

The above areas were reviewed and direction was given by the Committee to bring the draft ordinance and resolution to the Council for approval today.

**GOLETA STRATEGIC PLAN:**

Development of an Urban Forestry Management Plan is consistent with Strategic Plan Goal 6.0 entitled “Protect & Preserve the Environment, Agriculture & Open Space”. Specifically, the development of the Tree Advisory Commission meets the Objective 6.18 “Create an Ordinance that Establishes a Tree Advisory Committee” and moves the City closer to realizing its vision as defined within the City’s Strategic Plan.

**FISCAL IMPACTS:**

Adoption of the Public Tree Advisory Commission will have a minimal fiscal impact to the Public Works Department budget. The costs associated with the meetings and staff time required to prepare for and staff these meetings is summarized below.

	<b>Rate</b>	<b>Units</b>	<b>Costs</b>
<b>General Operating</b>			
Ethics-Training	\$ -	5	\$ -
Special Department Supplies	\$ 500.00	1	\$ 500.00
Books and Subscriptions	\$ 75.00	2	\$ 150.00
Printing & Copying	\$ 250.00	1	\$ 250.00

Postage & Mailing	\$ 500.00	1	\$ 500.00
<b>Professional Services</b>			
Minutes & Clerking	\$ 37.50	9	\$ 337.50
City Arborist	\$ 160.00	9	\$ 1,440.00
<b>TOTAL</b>			<b>\$ 3,177.50</b>

**ALTERNATIVES:**

Council may direct staff and have these items come back to Council at a subsequent meeting or ask staff to cease working on creating an ordinance to establish the Tree Advisory Commission.

+

**Legal Review By:**

**Reviewed By:**

\_\_\_\_\_  
Tim W. Giles  
City Attorney

\_\_\_\_\_  
Michelle Greene  
Administrative Services  
Director

**ATTACHMENTS:**

1. Ordinance No. 12-\_\_ (Attachment 1), entitled "An Ordinance of the City Council of the City of Goleta, California, Adding Chapter 2.11 Entitled "Public Tree Advisory Commission" to Title 2 of the Goleta Municipal Code Relating to the Establishment of a Public Tree Advisory Commission for the City of Goleta;" and
2. Resolution No. 12-\_\_ (Attachment 2), entitled "A Resolution of the City Council of the City of Goleta, California Organizing the Public Tree Advisory Commission."

**ATTACHMENT 1**

**ORDINANCE**

**ORDINANCE NO. 12-\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, ADDING CHAPTER 2.11 ENTITLED "PUBLIC TREE ADVISORY COMMISSION" TO TITLE 2 OF THE GOLETA MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF THE PUBLIC TREE ADVISORY COMMISSION FOR THE CITY OF GOLETA**

**WHEREAS**, the City Council approved the City of Goleta Urban Forestry Management Plan on June 7, 2011; and

**WHEREAS**, the Plan called for the establishment of a volunteer Commission to advise the Council, City staff and the City Arborist in developing plans and goals for the Goleta Urban Forest, represent the interests of the community, work to resolve conflicts between community members and urban forestry policy, and inform the community of the Urban Forestry program.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals**

The following recitals are true and correct.

**SECTION 2. Addition of Chapter 2.11 to the Goleta Municipal Code**

Chapter 2.11 entitled, "Public Tree Advisory Commission," which is hereby added to Title 2, "Administration and Personnel" of the Goleta Municipal Code to read as follows:

Chapter 2.11  
Public Tree Advisory Commission

**Sections:**

- 2.11.010 Purpose of Public Tree Advisory Commission.
- 2.11.020 Created.
- 2.11.030 Members.
- 2.11.040 Appointment.
- 2.11.050 Qualifications of members.
- 2.11.060 Term of office.
- 2.11.070 Removal of office.
- 2.11.080 Vacancy in office.
- 2.11.090 Appeal to Public Tree Advisory Commission.
- 2.11.110 Appeal to City Council.

2.11.010 Purpose of Public Tree Advisory Commission.

The purpose of the Public Tree Advisory Commission shall be to provide advice to staff and the City Council in developing plans and goals for the Goleta Urban Forest, represent the interests of the community and inform the community of the Urban Forestry program as directed by the City Council.

2.11.020 Created.

A Public Tree Advisory Commission for the City is created. The City Council shall provide for the organization and duties of the Commission by resolution.

2.11.30 Members.

The Public Tree Advisory Commission shall be composed of five (5) members.

2.11.040 Appointment.

Following the procedures of California Government Code Section 54970, each councilmember shall have the authority to nominate one member to the Public Tree Advisory Commission. The City Council shall vote on whether to appoint each nominee. Such appointment requires at least three affirmative votes.

2.11.050 Qualifications of members.

(a) Members of the Public Tree Advisory Commission shall be residents of the City.

(b) Members of the Public Tree Advisory Commission should have an interest in and/or experience in urban forestry or landscaping.

(c) No member of the Public Tree Advisory Commission may be an employee or officer of the City.

2.11.060 Term of office.

(a) Each appointment of a Public Tree Advisory Commissioner shall be for a term equal to that of the Councilmember who nominated the Commissioner and shall expire when that council seat is vacated or on the next election day for that nominating Councilmember, whichever event occurs first.

(b) If after any council seat is vacated or a City Council election a new commissioner has not been selected, or a commissioner's term has not been

renewed, that commissioner shall serve until a new appointment or renewal is made.

(c) There is no limit on the number of times that a commissioner may be appointed.

2.11.070 Removal of office.

A member of the Public Tree Advisory Commission is automatically removed from office if the member is absent without excuse from three consecutive regular meetings of the Commission. Excuse shall be determined by the Chair. Excuse for the absence of the Chair shall be determined by the Vice-Chair. A member of the Public Tree Advisory Commission may be removed by a majority vote of all the City Council.

2.11.080 Vacancy in office.

A vacancy on the Public Tree Advisory Commission caused by death, resignation, removal of a commissioner, or any other cause before the expiration of a commissioner's term shall be filled by nomination by the Councilmember responsible for nominating that commission seat and appointment by the Council for the unexpired term.

2.11.090 Appeal to Public Tree Advisory Commission.

A decision made by City staff related to the planting and removal of trees may be appealed to the Public Tree Advisory Commission. However any decision made by City staff for the protection of the public health and safety of the citizens shall not be subject to appeal. A letter stating the reasons for the appeal, along with the appropriate fee, must be filed with the Public Works Department within the ten (10) days following the staff decision. If the tenth day falls on a day that the Public Works Department offices are closed, the appeal period is extended until 5:00 p.m. on the following business day.

2.11.110 Appeal to City Council.

Any persons may appeal a final decision by the Public Tree Advisory Commission to the City Council within ten (10) days of the decision becoming final. If a decision is not appealed to the City Council within that period, the decision cannot be appealed. The Public Works Department will notify the Public Tree Advisory Commission as to the scheduled date of the appeal hearing. The Public Tree Advisory Commission will designate a member to attend an appeal hearing.

### **SECTION 3. Severability.**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

### **SECTION 4. Certification of City Clerk.**

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

### **SECTION 5. Effective Date.**

This ordinance shall take effect on the 31<sup>st</sup> day following adoption by the City Council.

**ATTACHMENT 2**

**RESOLUTION**



## RESOLUTION NO. 12-\_\_

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA ORGANIZING THE PUBLIC TREE ADVISORY COMMISSISON

**WHEREAS**, the City Council approved the City of Goleta Urban Forestry Management Plan on June 7, 2011; and

**WHERAS**, the Plan called for the establishment of a volunteer Commission to advise the Council, City staff and the City Arborist in developing plans and goals for the Goleta Urban Forest, represent the interests of the community, work to resolve conflicts between community members and urban forestry policy, and inform the community of the Urban Forestry program; and

**WHEREAS**, the City Council has established a Public Tree Advisory Commission for the City; and

**WHEREAS**, it is appropriate to organize and define the duties of the Public Tree Advisory Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA AS FOLLOWS:**

#### **SECTION 1. MEETINGS**

The Commission shall hold meetings on an as-needed basis. All meetings of the Commission shall be held in the City of Goleta City Hall.

#### **SECTION 2. ORGANIZATION**

Each year, at its first regular meeting of the calendar year, the Commission shall elect from its membership a Chair and Vice-Chair.

The City shall maintain a public record of its resolutions, transactions, findings and determinations.

#### **SECTION 3. STAFFING**

The Public Tree Advisory Commission shall be supported by the Public Works Department and the City's Arborist or other appropriate staff as designated by the Director of Public Works will attend the meetings to advise the Board.

#### **SECTION 4. DUTIES AND RESPONBILIES**

The Commission is authorized to exercise the Duties and Responsibilities attached as "Exhibit A." Additionally, the Commission shall respond to any matter referred to it by the City Council.

**SECTION 5. CERTIFICATION**

The City Clerk shall certify as to the adoption of this resolution.

**PASSED, APPROVED, AND ADOPTED** this 6<sup>th</sup> day of November, 2012.

---

EDWARD EASTON, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

---

DEBORAH CONSTANTINO  
CITY CLERK

---

TIM W. GILES  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SANTA BARBARA    )     ss.  
CITY OF GOLETA                 )

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California,  
DO HEREBY CERTIFY that the foregoing Resolution No. 12-\_\_ was duly  
adopted by the City Council of the City of Goleta at a regular meeting held on the  
6<sup>th</sup> day of November, 2012, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

---

DEBORAH CONSTANTINO  
CITY CLERK

## **EXHIBIT “A”**

### **Duties and Responsibilities**

1. Identify suggestions for the City Council, City Manager and City staff for the implementation of the Goleta Urban Forestry Management Plan.
2. Review and provide input on the development and review of the Annual Report as defined in the Urban Forestry Management Plan.
3. Consult with staff on updates to the Goleta Urban Forestry Management Plan as needed.
4. Review and provide suggestions to staff on the implementation of public tree planting.
5. Assist staff on the development, review and amendment of the comprehensive street tree inventory and master street tree list.
6. Review and advise staff on the development of a tree protection ordinance and any other ordinances associated with the Goleta Urban Forestry Management Plan; make recommendations on adoption of City ordinances to the City Council.
7. Coordinate with appointed City commissions and make recommendations to staff on policies, standards, guidelines and regulations for street trees and other public trees located within City-owned open spaces.
8. Review the City’s annual street tree work program.
9. Review and make suggestions to staff on a recommend policy and guidelines for tree removal and replacement, to be reviewed annually, and advise staff on a regular, periodic programmed maintenance schedule.
10. Educate and assist staff in providing public outreach regarding the benefits of the Urban Forestry Program.
11. Consider and decide appeals from residents on city staff decisions regarding public tree removals, plantings, trimming, and pruning.



**Agenda Item B.4**  
**DISCUSSION/ACTION ITEM**  
**Meeting Date: November 20, 2012**

---

**TO:** Mayor and Councilmembers

**FROM:** Steve Wagner, Community Services Director

**SUBJECT:** Establishment of a Public Tree Advisory Commission

**RECOMMENDATION:**

Conduct the second reading (by title only and waive further reading) of Ordinance No. 12-\_\_ (Attachment 1), entitled "An Ordinance of the City Council of the City of Goleta, California, Adding Chapter 2.11 Entitled "Public Tree Advisory Commission" to Title 2 of the Goleta Municipal Code Relating to the Establishment of a Public Tree Advisory Commission for the City of Goleta;" and

**BACKGROUND:**

The City of Goleta's General Plan calls for the development of an Urban Forest Master Plan (UFMP). In June of 2011, the City Council approved the Goleta Urban Forestry Management Plan (GUFMP). The GUFMP provides a five year policy framework for how trees within public areas will be managed. One of the requirements in the Plan is the establishment of an advisory commission to the City Council. The City's UFMP recommends that the commission be tasked with providing advice to staff and the City Council on how to implement the City's urban forestry management program. The commission would also advise staff in developing plans and goals for the Goleta Urban Forest, represent the interests of the community and inform the community of the Urban Forestry program. A formal commission is also an essential part of qualifying for an annual Tree City USA Award and associated grant funding.

**DISCUSSION:**

On September 18, 2012, Council was given the opportunity to review the current state of the practice related to tree advisory commissions, review how other cities have structured their commissions and provide staff with a recommended structure, including appropriate purview and the duties and responsibilities of the commission.

Staff took Council's direction and developed an ordinance establishing a commission. The draft ordinance and accompanying resolution was presented to the Ordinance Committee on October 30, 2012. The ordinance outlines the following areas for establishing a commission:

- Purpose
- Members
- Appointment
- Qualifications of members
- Term
- Removal from office
- Vacancy
- Appeal to Commission
- Appeal to City Council

The resolution acts as an accompanying document and outlines the following areas in organizing the commission:

- Meetings
- Organization
- Staffing
- Duties and responsibilities

The above areas were reviewed and direction was given by the Committee to bring the draft ordinance and resolution to the Council for approval. The Council approved the resolution and ordinance (first reading) at the November 6, 2012 Council meeting.

**GOLETA STRATEGIC PLAN:**

Development of an Urban Forestry Management Plan is consistent with Strategic Plan Goal 6.0 entitled “Protect & Preserve the Environment, Agriculture & Open Space”. Specifically, the development of the Tree Advisory Commission meets the Objective 6.18 “Create an Ordinance that Establishes a Tree Advisory Committee” and moves the City closer to realizing its vision as defined within the City’s Strategic Plan.

**FISCAL IMPACTS:**

Adoption of the Public Tree Advisory Commission will have a minimal fiscal impact to the Public Works Department budget. The costs associated with the meetings and staff time required to prepare for and staff these meetings is estimated to be approximately \$3,200 and can be covered within existing budget appropriations.

**ALTERNATIVES:**

Council could elect not to approve the ordinance. However, doing so would delay the implementation of the Public Tree Advisory Commission as called for in the City’s Urban Forest Management Plan

Legal Review By:

Reviewed By:

Approved By:

\_\_\_\_\_  
Tim W. Giles  
City Attorney

\_\_\_\_\_  
Michelle Greene  
Administrative Services  
Director

\_\_\_\_\_  
Daniel Singer  
City Manager

**ATTACHMENTS:**

1. Ordinance No. 12-\_\_ (Attachment 1), entitled "An Ordinance of the City Council of the City of Goleta, California, Adding Chapter 2.11 Entitled "Public Tree Advisory Commission" to Title 2 of the Goleta Municipal Code Relating to the Establishment of a Public Tree Advisory Commission for the City of Goleta."

**ATTACHMENT 1**

**ORDINANCE**



**ORDINANCE NO. 12-\_\_\_**

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**WHEREAS**, the City Council approved the City of Goleta Urban Forestry Management Plan on June 7, 2011; and

**WHEREAS**, the Plan called for the establishment of a volunteer Commission to advise the Council, City staff and the City Arborist in developing plans and goals for the Goleta Urban Forest, represent the interests of the community, work to resolve conflicts between community members and urban forestry policy, and inform the community of the Urban Forestry program.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals**

The following recitals are true and correct.

**SECTION 2. Addition of Chapter 2.11 to the Goleta Municipal Code**

Chapter 2.11 entitled, "Public Tree Advisory Commission," which is hereby added to Title 2, "Administration and Personnel" of the Goleta Municipal Code to read as follows:

Chapter 2.11  
Public Tree Advisory Commission

**Sections:**

- 2.11.010 Purpose of Public Tree Advisory Commission.
- 2.11.020 Created.
- 2.11.030 Members.
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- 2.11.080 Vacancy in office.
- 2.11.090 Appeal to Public Tree Advisory Commission.
- 2.11.110 Appeal to City Council.

2.11.010 Purpose of Public Tree Advisory Commission.

The purpose of the Public Tree Advisory Commission shall be to provide advice to staff and the City Council in developing plans and goals for the Goleta Urban Forest, represent the interests of the community and inform the community of the Urban Forestry program as directed by the City Council.

2.11.020 Created.

A Public Tree Advisory Commission for the City is created. The City Council shall provide for the organization and duties of the Commission by resolution.

2.11.30 Members.

The Public Tree Advisory Commission shall be composed of five (5) members.

2.11.040 Appointment.

Following the procedures of California Government Code Section 54970, each councilmember shall have the authority to nominate one member to the Public Tree Advisory Commission. The City Council shall vote on whether to appoint each nominee. Such appointment requires at least three affirmative votes.

2.11.050 Qualifications of members.

(a) Members of the Public Tree Advisory Commission shall be residents of the City.

(b) Members of the Public Tree Advisory Commission should have an interest in and/or experience in urban forestry or landscaping.

(c) No member of the Public Tree Advisory Commission may be an employee or officer of the City.

2.11.060 Term of office.

(a) Each appointment of a Public Tree Advisory Commissioner shall be for a term equal to that of the Councilmember who nominated the Commissioner and shall expire when that council seat is vacated or on the next election day for that nominating Councilmember, whichever event occurs first.

(b) If after any council seat is vacated or a City Council election a new commissioner has not been selected, or a commissioner's term has not been

renewed, that commissioner shall serve until a new appointment or renewal is made.

(c) There is no limit on the number of times that a commissioner may be appointed.

2.11.070 Removal of office.

A member of the Public Tree Advisory Commission is automatically removed from office if the member is absent without excuse from three consecutive regular meetings of the Commission. Excuse shall be determined by the Chair. Excuse for the absence of the Chair shall be determined by the Vice-Chair. A member of the Public Tree Advisory Commission may be removed by a majority vote of all the City Council.

2.11.080 Vacancy in office.

A vacancy on the Public Tree Advisory Commission caused by death, resignation, removal of a commissioner, or any other cause before the expiration of a commissioner's term shall be filled by nomination by the Councilmember responsible for nominating that commission seat and appointment by the Council for the unexpired term.

2.11.090 Appeal to Public Tree Advisory Commission.

A decision made by City staff related to the planting and removal of trees may be appealed to the Public Tree Advisory Commission. However any decision made by City staff for the protection of the public health and safety of the citizens shall not be subject to appeal. A letter stating the reasons for the appeal, along with the appropriate fee, must be filed with the Public Works Department within the ten (10) days following the staff decision. If the tenth day falls on a day that the Public Works Department offices are closed, the appeal period is extended until 5:00 p.m. on the following business day.

2.11.110 Appeal to City Council.

Any persons may appeal a final decision by the Public Tree Advisory Commission to the City Council within ten (10) days of the decision becoming final. If a decision is not appealed to the City Council within that period, the decision cannot be appealed. The Public Works Department will notify the Public Tree Advisory Commission as to the scheduled date of the appeal hearing. The Public Tree Advisory Commission will designate a member to attend an appeal hearing.

**SECTION 3. Severability.**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 4. Certification of City Clerk.**

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

**SECTION 5. Effective Date.**

This ordinance shall take effect on the 31<sup>st</sup> day following adoption by the City Council.

**INTRODUCED ON** the 6<sup>th</sup> day of November, 2012.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
EDWARD EASTON, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
DEBORAH CONSTANTINO  
CITY CLERK

\_\_\_\_\_  
TIM W. GILES  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) ss.  
CITY OF GOLETA )

I, Deborah Constantino, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 12-\_\_\_ was introduced on November 6, 2012, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the 6<sup>th</sup> day of November 2012, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

---

DEBORAH CONSTANTINO  
CITY CLERK