

**AN ORDINANCE
BY COUNCILMEMBERS J.P. MATZIGKEIT AND DUSTIN HILLIS
AS SUBSTITUTED (2) BY COMMUNITY DEVELOPMENT/HUMAN SERVICES
COMMITTEE**

AN ORDINANCE AMENDING CITY OF ATLANTA CODE OF ORDINANCES SECTION 158-66, SUBSECTION (b)(2)(d) TO SPECIFY THE USE OF FUNDING FROM THE TREE TRUST FUND FOR MAINTENANCE COSTS RELATED TO PROCURED FORESTED LAND AS AUTHORIZED BY SUBSECTION 158-66(b) UNDER CODE SECTION 158-66 “TREE TRUST FUND”; AND FOR OTHER PURPOSES.

WHEREAS, Section 158-66 provides for a Tree Trust Fund, which is generated through recompense fees from the illegal removal of trees and the incomplete replacement of trees, for the purposes of the protection, maintenance, and regeneration of the trees and other forested resources of Atlanta; and

WHEREAS, in 2016, the Atlanta City Council adopted Ordinance 16-O-1353, which amended Section 158-66(b) Entitled “Tree Trust Fund” to also authorize the use of funds from the Tree Trust Fund to purchase privately-owned forested land that contained one or more of the following criteria: i) 80 percent or more canopy cover; ii) minimum forestation standards of 1,000 DBH inches; and/or iii) 50 mature trees per acre; and

WHEREAS, along with authorizing the use of funding from the Tree Trust Fund to purchase forested land, Ordinance 16-O-1353, also gave oversight of any procured forested property to the Department of Parks and Recreation, and stated that the department shall provide a maintenance plan for the property along with the ordinance to purchase said forested land; and

WHEREAS, furthermore, Ordinance 16-O-1353 required that if the Tree Trust Fund was the source identified by the Department of Parks and Recreation for any maintenance funding, that a separate ordinance would be required to authorize the procurement or expenditure in a manner consistent with city ordinances; and

WHEREAS, Section 158-66(a) otherwise limits the use of the Tree Trust Fund to certain prescribed expenditures for the purpose of protection, maintenance, and regeneration of trees and other forest resources in the City, with such purpose to be accomplished in substantial part by tree planting, tree maintenance, and removal of invasive species; and

WHEREAS, it is the intent of the Atlanta City Council to specify that expenditures of the Tree Trust Fund for forested land as authorized under Code Section 158-66(b) be limited to the purchase price of the forested land and to short-term maintenance costs directly related to the protection, maintenance, and enhancement of the trees within the procured forested property to ensure the Tree Trust Fund is sustainable long-term so that it can be used to acquire additional qualifying forested land, as well as fund other authorized uses specified within in Code Section 158-66 “Tree Trust Fund”.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

SECTION 1: That Code Section 158-66(b), subsection (2)(d) that reads as follows:

d. The department of parks and recreation commissioner shall provide a property maintenance plan as an attachment to the ordinance. The plan will describe the types of maintenance that may be needed at the property, will estimate the property's annual maintenance cost, and will identify the source of funding for the estimated annual maintenance cost. To the extent that the commissioner identifies the tree trust fund as the source of maintenance funding, any specific allocation of maintenance dollars from the tree trust fund shall be authorized as a separate procurement or expenditure, in a manner consistent with applicable city ordinances.

Shall be amended to read as follows:

d. The department of parks and recreation commissioner shall provide a property maintenance plan as an attachment to the ordinance. The plan will describe the types of maintenance that may be needed at the property, will estimate the property's annual maintenance cost, and will identify the source(s) of funding for the estimated annual maintenance cost. To the extent that the commissioner identifies the tree trust fund as one of the sources of maintenance funding, any specific allocation of maintenance dollars from the tree trust fund shall only be used for initial, short-term tree maintenance and stabilization related to the protection, preservation and regeneration of trees on the property. This includes the removal of dead, dying or hazardous trees or invasive species that present a significant threat to the health of the trees, and staff or contractors to administer such services. This initial stabilization, clean-up and maintenance period shall not exceed two years from the purchase date of the property. Any maintenance expenses beyond two years shall be considered long-term maintenance costs and shall not be funded from the tree trust fund but rather from the operations and maintenance budget of the department of parks and recreation or a source other than the tree trust fund. 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.

Any allocation of maintenance dollars from the tree trust fund for any of these specified uses must be authorized as a separate procurement or expenditure, in a manner consistent with applicable city ordinances.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith, be and the same are hereby repealed.