

## **TREE BOARD OF APPEALS BY-LAWS**

### **ARTICLE I - NAME OF BOARD**

This Board existing under the authority of the City Commission of the City of Gainesville, Florida shall be known as the Tree Board of Appeals. The ordinance authorizing the formation of this Board is in the Gainesville, Florida Code of Ordinances, Chapter 2, Article V, Division 12, Sections 2-430.16-21 adopted initially on April 10, 1989.

### **ARTICLE II - PURPOSE OF BOARD**

The board is authorized to hear appeals from any order, decision, or determination made by the city manager or designee with respect to the removal of trees, documentation regarding failure to protect trees during development and construction, or the determination/interpretation of the tree appraised value with respect to the mitigation requirements for heritage trees. Appeals shall be filed with the city manager or designee. The tree board of appeals shall apply standards and considerations found in section 30-254 and 30-254.1 of the Land Development Code and shall have authority to decide any question involving the interpretation of the city manager or designee's order.

### **ARTICLE III - MEMBERSHIP**

The Tree Board of Appeals shall consist of three (3) members nominated by the Tree Advisory Board and appointed by the City Commission for staggered terms of three (3) years, or until their successors are appointed.

All members of the Tree Board of Appeals shall be qualified in arboriculture.

Members of the Tree Board of Appeals shall receive no compensation for the performance of their duties.

All members of the Board shall be residents of Alachua County, Florida.

If a Board member is unable to complete his/her term of office, the Chair should advise the Clerk of the Commission and ask that that person be removed from the Board.

No Board or Subcommittee shall represent itself to other local governments, organizations, agencies, etc. as acting on behalf of the City Commission and/or City of Gainesville without the prior approval of the City Commission.

### **ARTICLE IV - OFFICERS AND STAFF LIAISON**

Each year, at the October meeting, the Tree Board of Appeals shall elect a Chair and Secretary. The Staff Liaison is City-appointed. The selection of officers shall be determined by a simple majority vote. The new officers will assume their duties at the meeting after election. Duties of

these officers are as follows:

**CHAIR:**

The Chair shall preside over meetings and conduct meetings according to Robert's Rules of Order, Newly Revised. The Chair may have further powers and duties assigned by the Gainesville City Commission.

The Chair shall coordinate with the Secretary and Staff Liaison on the meeting agenda.

**SECRETARY:**

The Secretary shall prepare the minutes of the meetings.

In the absence of the Chair, or in the event of his/her inability to act, the Secretary shall exercise all powers and duties of the Chair.

**STAFF LIAISON:**

The Staff Liaison shall coordinate with the Clerk of the Commission on the following:

- Verify and report the attendance of Board members at each meeting.
- Provide notice of each meeting (meeting date, time, and location).
- Post minutes on the Clerk's Website.

The Staff Liaison shall provide the following services to the Tree Board of Appeals:

- Research matters as requested that are pertinent to the Board's ability to carry out the duties specified by the City Commission.
- Make certain that the Board is informed of proposed changes to the Land Development Code regarding tree and landscape regulations.
- Maintain a notebook of minutes and bring the notebook to meetings.
- Prepare copies of minutes and agendas and other documents deemed necessary by the Board relative to their meetings.
- Bring important issues before the Board.

**ARTICLE V - MEETINGS**

The Tree Board of Appeals shall meet as needed on a schedule arranged between the Staff Liaison and the Chair in response to referrals from the City Commission or within ten (10) working days of an appeal.

Special meeting may be held upon the call of the chairperson or upon the written request of any two members of the board.

All three (3) board members must be present at all meetings. If one board member is unable to attend a specific meeting, an alternate, duly appointed by the chairperson of the Tree Advisory Board, shall substitute for the aforementioned specific meeting only. Furthermore, only one substitute will be permitted at each meeting.

Every decision of the Tree Board of Appeals shall be final and binding on all persons. All decisions of the Board shall be in writing and indicate the vote upon the decision. A decision shall be rendered on all appeals within ten (10) working days of the filing of the appeal.

All meetings of the Board shall be publicly noticed in compliance with the Sunshine Law.

A simple majority of the membership present shall constitute a quorum.

Decisions of the Board must be made by a majority of those present and voting.

The meeting agenda is the responsibility of the Chair. The staff liaison is responsible for the preparing and distributing the agenda and minutes.

Any board member may place an item on the agenda by notifying the Chair.

All meetings shall be open to the public.

Presentations to the Board by residents who are not board members shall be limited to ten minutes unless the Board decides otherwise.

The Tree Board of Appeals may conduct all meetings according to Parliamentary Law as stated in *Robert's Rules of Order, Newly Revised*.

#### **ARTICLE VI - DESIGNATED MONIES**

The Board shall have the authority to receive sums of money as provided by the City Commission and such monies, services, and other donations from private business organizations, non-profit organizations or other sources providing such shall be legally offered and acceptable as provided by City ordinance.

The Board or Chair shall have the authority to expend or disburse all monies, gifts, and services legally obtained, as long as these expenditures adhere to all City ordinances.

#### **ARTICLE VII - CONFLICT OF INTEREST**

Any member who has a conflict of interest on any given issue shall announce the existence of conflict prior to discussion and shall refrain from voting on that issue and comply with Section 112.3143 of the Florida Statutes.

#### **ARTICLE VIII - AMENDMENT OF BY-LAWS**

These by-laws may be amended following an affirmative simple majority vote, provided notice of any proposed amendment has been made in writing to all members of the Board.

No amendment shall take effect until approved by the City Commission.

Any existing by-laws or amended by-laws shall be null and void, should they be in conflict with any City ordinance.

**ARTICLE IX - BIENNIAL REPORT**

The Tree Board of Appeals shall prepare and the Chair (or designee) shall present a Biennial Report to the City Commission concurrently with the city's biennial budget cycle, reflecting the Board's accomplishments during the two years.

**ARTICLE X - ANNUAL BUDGET**

The Tree Board of Appeals shall prepare and the Chair (or designee) shall present to the City Commission an Annual Budget. Requested monies shall be consistent with the Annual Work plan as required by and presented to the City Commission.

Approved by Tree Board of Appeals June 9, 2014

Approved by Gainesville City Commission: \_\_\_\_\_