



**Urban Forestry Commission
Legislative Guidance Document**

April 2022

BACKGROUND

Legislation to amend and restart the Cleveland Tree Commission was introduced in August of 2020 by Council Members Kazy and McCormack. Pressure from the community in conjunction with the work done by the Cleveland Tree Coalition (an outgrowth of Sustainable Cleveland) compelled Cleveland City Council to act.

Several issues arose in reviewing the legislation so a working group formed to review and make recommendations. The group consisted of members from the Cleveland Tree Coalition (Holden Arboretum-Sandra Albro, Western Reserve Land Conservancy-Elizabeth Grace and Lizzie Sords, Cleveland Neighborhood Progress-Divya Sridhar), Cleveland City Council (Council Member McCormack), Urban Forestry (Jennifer Kipp), Office of the Mayor (Fran DiDonato, Senior Strategist), and two community representatives (Krissie Wells and Samira Malone).

The following document provides guidance on the proposed changes to the 2020 legislation.

NAME OF THE COMMISSION

The working group suggested that the name of the commission be changed to The Urban Forestry Commission. Using "Urban Forestry" instead of "Tree" broadens the scope from trees to the full concept of urban forestry and management, which is more in line of the need of the Commission. Additionally, because the major group providing assistance is the Cleveland Tree Coalition, the thought was that there might be confusion when speaking about the two different entities.

GENERAL CHANGES

1. **Authority:** Commissions are institutionally an extension of the work of the executive branch of municipal government. The legislation was redrafted to be in line with that authority. It gives the Mayor more appointments to the Commission and puts the Mayor and the City Departments in the lead to enact the work of the Commission.
2. **Fostering the Work of Urban Forestry:** It was agreed upon by the working group that if the Commission did not help to foster the work of the Section of Urban Forestry then it would be mere window dressing. Several of the word changes were recommendations by the Section of Urban Forestry to be in line with the work that they currently do and plan to do in the future.

PUBLIC POLICY & PURPOSE

The working group agreed with the public policy statement drafted in the 2020 legislation. The group added the importance of energy savings from shade provided by trees and increase in vibrancy it brings to neighborhoods.

The Purpose statement was also tweaked to include a broader scope for the Commission:

(a) **Maintaining the health of trees in our parks, rights-of-way and other public spaces and reducing risk associated with trees;**

This part of the purpose statement deals with public lands under the City of Cleveland's control. The word safety was removed because Urban Forestry thought that was too broad of a term. Instead, adding "reducing risk" was more appropriate to the scope and purpose of the work of the Section of Urban Forestry, Division of Park Maintenance and Properties.

(b) **Increasing public education and support for urban forestry;** --No change

(c) **Providing for the planting of new and replacement trees to preserve and expand the tree canopy;** --No change

(d) **Maintaining the tree canopy and protecting trees during construction and development,**

This part of the purpose statement deals with both public projects and private lands not under the City of Cleveland's control, but under jurisdiction during construction and development. The language "Maintaining the tree canopy" was added to broaden the understanding of the purpose beyond just protecting trees.

(e) **Establishing policy and regulations governing the protection, management, and conservation of trees and vegetation in the City;**

This part of the purpose was added. A major need of the Commission is to advance the work stated in the public policy statement. Without the ability to establish new policies and regulations, the Commission would function as a mere educational group that raises funds for trees.

(f) **Generating funds from the foundation community, corporate community, the citizens of the City, the private sector, and government grants to support urban forestry.**

"Government grants" was added to the list of available sources that the Commission could pursue.

MEMBERS

1. The group revised the legislation to give the Mayor 8 appointments and City Council 7 appointments:
 - a. The Mayor's appointments are from Urban Forestry, Planning, Sustainability, MOCAP, and Public Utilities, as well as the youth resident appointment, the representative from an electric company, and a representative from an environmental justice organization. We eliminated representatives from Community Development and Division of

Environment-Public Health.

- b. Council's appointments include a Council Representative, two resident representatives, arborist, developer, and two representatives of urban forestry work in the community.

ORGANIZATION & PROCEDURES

The group agreed that the Commission did not need to meet monthly but that quarterly would better suit the purpose and scope of work. The legislation was revised to allow the Commission to set up committees or subcommittees to do tasks on specific topics and advance the work of the Commission between the quarterly meetings.

DUTIES OF THE COMMISSION

- (a) **REVISED: Assist with the adoption of an urban forest management plan and assist with updating a comprehensive inventory of trees and tree benefits analysis at regular intervals for the City;**

The language for the tree inventory was simplified. The Commission can determine what the inventory will consist of based on best practices. They will also determine how often the inventory is updated in line with need, funding, and overall priorities. Additionally, the need for an urban forest management plan and benefits analysis were added. This overarching management plan will help Urban Forestry have the tools to do their job and assess the needs and resources to do it. The benefits analysis will ensure that equity planting is enforced.

- (b) **NEW DUTY: Provide recommendations on policy, plans, programs, or legislation concerning urban forestry management, sustainability and protection of associated trees on public or private property;**

This duty allows the Commission to provide recommendations concerning urban forestry management as it relates to both public and private property. It gives the Commission broad power to opine on any matter that affects the implementation or barriers that prevent the work of the Division of Urban Forestry to accomplish its mission.

- (c) **NEW DUTY: Review and comment on any program or work undertaken by any City Department, technical or advisory bodies related to the protection or enhancement of the urban forest when so requested by the Mayor or Council;**

This duty was added to allow the Commission to weigh into matters that affect urban forestry when so requested by the Mayor or Council.

- (d) **REVISED DUTY: Work with the necessary departments to implement recommendations to reduce tree loss and damage;**

This allows the Commission and its committees to work with different departments to implement recommendations made by the Commission. This broadened the scope from just developing guidelines for a review process to expand the work into the departments it makes sense to work with.

- (e) **NEW DUTY: Monitor implementation of City plans and policies related to the urban forest and provide review and comment to the Mayor and City Council;**

This allows the Commission to monitor the implementation and ensure that it is working properly and in line with the intent of the recommendation.

- (f) **REVISED: Assist the Director of Public Works, or his or her designee, in preparing educational programming for residents, businesses, and organizations in the community to encourage proper maintenance of trees within the City;**

This was revised to allow the Commission to assist the Director of Public Works (Urban Forestry) to conduct this work as the Commission is advisory and cannot do the work that is meant to be done by the departments themselves.

- (g) **SAME: Solicit grants or contributions to the Tree Preservation Fund set forth in Section 509.21 of the codified ordinances, for the purpose of supporting the preservation, protection, maintenance, purchase and planting of trees in the City, and educating the public with respect thereto;**

- (h) **NEW: Review and report on whether the penalties collected for unauthorized damage or removal of trees are being paid to the Tree Preservation Fund as set forth in Section 509.99 of the codified ordinances and make recommendations regarding the disbursement of funds from the Tree Preservation Fund;**

This was seen as a missing piece to ensuring that the Tree Preservation Fund is utilized and monitored.

- (i) **REVISED: Assist the Director of Public Works, or his or her designee, in preparing an annual report to Council, the Mayor, and the public regarding the activities of the Commission;**

This duty was revised to be more simple. The Commission will determine, in conjunction with the Mayor and Council, the best format for the report.

- (j) **NEW DUTY: Any other duty requested by the Mayor or Council.**

Catchall phrase usually added when describing duties.

PARTNERSHIPS

The previous administration reasoned that there was no need for a Commission because there was a robust group (Cleveland Tree Coalition) already in service of maintaining the tree canopy. This group still intends to play a role and work in concert with the Commission. Areas of coordination include funding, policy, technical advice, and capacity building. It is recommended that the Commission enter into a Memorandum of Understanding with the Cleveland Tree Coalition to spell out these areas of coordination. For example, many of the organizations already involved in the Cleveland Tree Coalition do a lot of fundraising. What dollars will come to the Tree Fund established at the City and what funds will stay under the responsibility of Tree Coalition. This will need to be explored in greater detail after the establishment of the Commission.