
MEMORANDUM

DATE: May 1, 2009

TO: Council Members

FROM: Janice Jardine
Land Use Policy Analyst

SUBJECT: Ordinance enacting Chapter 2.94 of the City Code creating the Parks, Trails, and Urban Forestry Advisory Board

On January 28, 2009, the Council received a briefing from the Administration regarding the proposed ordinance creating a Parks, Trails, and Urban Forestry Advisory Board. Council staff is providing the following items for Council consideration and direction based on comments, issues and concerns discussed at the Council Work Session and identified by some Council Members since the Work Session discussion.

- A. Sec. 2.94.070.A - Meetings of the Board. The proposed ordinance specifies that the Board shall meet on an as needed basis, but not less than monthly.
 - 1. The Council may wish to consider changing the proposed ordinance language from “not less than monthly” to “at least twice per quarter”.
 - 2. This would allow additional flexibility as to the number of meetings required for the Board. There may be times when the Board may not have any business but will be required by ordinance to hold a monthly meeting. (This item is also discussed in item A in the Other Items section of this staff report. Please refer to that section for additional details.)

- B. Sec. 2.94.090.C – Board Powers and Duties. The Council may wish to consider including an item requiring the Board to review and hold a hearing on any master plan relating to parks, trails and urban forestry and forward a recommendation to the City Planning Commission and City Council, as appropriate.

- C. The Council may wish to consider addition of the following items in the proposed ordinance.
 - 1. Review of any proposed expenditure of over \$10,000 (or some other reasonable dollar amount) for maintenance or physical changes within City parks.
 - 2. Identify, within the first six months, the types of issues for which the Board proposes to receive reports and/or hold public hearings.
 - 3. Identify, within the first eight months, the types of public processes recommended for various topics associated with this Board.

- D. The Council may wish to consider whether the following items previously noted for the January 28th Work Session discussion should be included in the proposed ordinance. (Please see the Other Items section of this staff report for additional details.)
 - 1. Adjust the proposed ordinance language to allow additional flexibility as to the number of members that constitute a quorum such as a majority of the appointed members.
 - 2. Coordinate definitions in the proposed ordinance with other sections of the City Code. (e.g. parks, trails and open space)

3. Include the Chairs of the Historic Landmark Commission and Planning Commission as ex-officio non-voting members as an effort to provide as much consistency, coordination and interaction as possible between affected boards and commissions.
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The following information was provided previously for the Council Work Session on January 28th. It is provided again for background purposes.

The Administration has forwarded for Council consideration an ordinance that would create a Parks, Trails, and Urban Forestry Advisory Board. The Administration's transmittal notes the creation of this board would be useful to the City in evaluating development proposals in city owned parks and the manner and process by which development can and should occur.

Key elements are summarized below.

- Chapter 2.94 of the City Code - Parks, Trails, and Urban Forestry Advisory Board
(Replaces Chapter 2.26 of the City Code that established the Urban Forestry Board)

A. Purpose (Sec. 2.94.010)

1. Provide and oversee strong stewardship of the City's parks, trails and urban forest.
2. Educate the public and advocate for the City's parks, trails and urban forest policies.
3. Encourage and facilitate public involvement and input, and the incorporation of that input into the City's parks, trails and urban forest plans and policies.

B. Definitions (Sec. 2.94.020)

1. Parks means the areas defined by the Parks Division in a list that is updated and provided to the Board no less than annually.
2. Urban Forestry shall mean all public trees owned and/or managed by Salt Lake City as of or after the effective date of the ordinance codified in this chapter or its successor ordinances.
3. Trails means marked or signed paths within City owned easements, maintained and used primarily for hiking, bicycling, or other non-motorized modes of transportation.

C. Creation of Board (Sec. 2.94.030)

1. Nine to eleven voting members appointed by the Mayor with the advice and consent of the City Council.
2. Term of three years and no more than two consecutive terms
3. One member of the Board appointed from each City Council district.
4. Remaining members appointed as at large members.
5. No more than three members may live outside of the Salt Lake City boundaries.
6. Nominations should reflect diverse community interests:
 - a. Geographic, professional, cultural and neighborhood/community diversity
 - b. Landscaping, architectural, financial, planning, historic preservation, and legal backgrounds
 - c. Interest or expertise in bicycling, tennis, running, basketball, dogs, art, stewardship of the environment and other similar areas of interest
 - d. Parents of young children.
7. Ex-officio non voting members:
 - a. Chair of the City Open Space Lands Advisory Board, or his/her designee;
 - b. Chair of the City's Transportation Advisory Board, or his/her designee;
 - c. Chair of the Community Development and Capital Improvements Board or his/her designee;
and
 - d. Mayor or the Mayor's designees.

8. Members shall receive no compensation for serving on the Board but may be reimbursed for costs reasonably incurred.
9. The Board will be located and staffed in the department of Public Services
10. Access to and assistance provided from the Parks Director, Urban Forester; Director of Transportation, Trails Coordinator, City Open Space Coordinator, or his/her designees; other City departments and/or divisions; and the City Attorney's Office as needed.

D. Vacancies (Sec. 2.94.040), Removal from Office, (Sec. 2.94.050), Board Members Ethics (Sec. 2.94.060), Election of Officers (Sec.2.94.080)

Requirements in the proposed ordinance are consistent with other city boards and commissions, standard city practices and ordinances.

E. Meetings of the Board (Sec. 2.94.070)

1. The Board shall meet on an as needed basis, but not less than monthly.
2. All meetings shall be subject to the Utah Open and Public Meetings Act, and unless closed pursuant to that act, such meetings shall be open to the public.
3. Meetings may be convened by the call of the Chair of the Board, a majority of the Board, or the Mayor.
4. A majority of the voting members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. The Board may act at any meeting at which a quorum is present, by an affirmative vote of a majority of the voting members present.
5. The Board shall create a written record of its proceedings, except for any executive sessions, which shall be available for public inspection.
6. The Department of Public Services shall make available a secretary to the Board when required.
7. The Board shall adopt policies and procedures under which its meetings are to be held. Any matter not addressed in the Board's policies and procedures shall be handled pursuant to Robert's Rules of Order.
8. The Chairperson of the Board, in consultation with other Board members, the department of Public Services, Parks Divisions, Urban Forestry Division, Trails Division, and other City departments will develop the agenda for each meeting.

F. Powers and Duties (Sec. 2.94.090)

1. Review and advise the Parks, Transportation and Urban Forestry Divisions with respect to the annual budget as it relates to the City's parks, trails, and urban forestry.
2. Review, rank, prioritize, and make recommendations on Capital Improvement Program funding applications and construction designs pertaining to the Parks, Transportation, and Urban Forestry Divisions as they relate to the City's parks, trails, and urban forestry. Recommendations are to be submitted to the Department of Community & Economic Development and Capital Improvement Programs Board for their consideration prior to their review of such project applications.
3. Advise and provide input regarding master planning of the City's parks, trails, and urban forestry and the establishment of new parks or trails or the removal of existing parks or trails. The Board can also make broad recommendations pertaining to user groups, types of foliage, access, tree genera and/or species, etc.
4. Review operation policies related to park use, vendors, special events, facilities, maintenance, landscaping standards, trail standards and protection, renewal and sustainability of the city's Urban Forestry requirements.
5. Advise and provide input on broad policy, management, and development standards related activities, specific goals and direction of the Parks, Transportation, and Urban Forestry Divisions, as they relate to parks, trails, and urban forestry related issues.

6. Provide advice and expertise to other boards, such as the Historic Landmarks Commission, Planning Commission, Open Space Lands Advisory Board and Transportation Advisory Board, as requested or deemed appropriate.
7. Draft and submit an annual report relating to the Board's activities, including information on major items and issues occurring in connection with the City's parks, trails, and urban forestry, to the Mayor and City Council.

G. Review of Action and Powers of Mayor (Sec. 2.94.100)

1. Actions taken by the Board are advisory and shall constitute recommendations to the Mayor, City Council, Director of Public Services, Parks Director, Transportation Director, Urban Forester, and other City commissions and boards and shall not constitute official action.
2. Division Directors, Department Directors, and/or the Mayor shall have power to review, ratify, modify, reject, or disregard any recommendation submitted by the Board.
3. The Mayor may refer the matter to the City Council if appropriate.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:

BUDGET RELATED ITEMS

Potential budget impacts may include additional staffing and resource allocation to provide support for the Board.

OTHER ITEMS

- A. The Council may wish to discuss with the Administration whether it may be appropriate to adjust the proposed ordinance language to allow additional flexibility as to the number of meetings required for the Board. The proposed ordinance indicates the Board shall meet on an as needed basis, but not less than monthly. There may be times when the Board may not have any business but will be required by ordinance to hold a monthly meeting. Examples from other Boards are noted below.
 1. The Housing Trust Fund Advisory Board - convene for regular quarterly meetings to be held at least four (4) times each year. Additional meetings may be held as needed in order to conduct the business of the housing trust fund.
 2. Open Space Lands Advisory Board - meet on an as needed basis, but not less than six (6) times annually.
- B. The Council may wish to discuss with the Administration whether it may be appropriate to adjust the proposed ordinance language to allow additional flexibility as to the number of members that constitute a quorum such as a majority of the appointed members. The proposed ordinance indicates a majority of the voting members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. There may be times when a majority of voting members may not be available for Board meetings which may unintentionally delay action on items due to the quorum restrictions in the ordinance.
- C. The Council may wish to discuss with the Administration whether it may be appropriate to coordinate definitions in the proposed ordinance with other sections of the City Code. For example:
 1. The proposed ordinance defines 'Park' as areas defined by the Parks Division in a list that is updated and provided to the Board no less than annually and 'Trails' as marked or signed paths within City owned easements, maintained and used primarily for hiking, bicycling, or other non-motorized modes of transportation.
 2. The Zoning Ordinance defines a 'Public Park' as a park, playground, swimming pool, golf course or athletic field within the city which is under operation or management of the city's park department.

3. The Open Space Lands ordinance definition of ‘Open Space Lands’ includes reference to small neighborhood parks and non-motorized trails.

“Open Space Lands” means a parcel of land in a predominantly open and undeveloped condition that is suitable for any of the following:

 - a. Natural areas;
 - b. Wildlife habitat;
 - c. Important wetlands or watershed lands;
 - d. Greenway or stream corridors;
 - e. Small neighborhood parks of the following, or similar, kinds:
 - A small, single purpose play lot designed or used primarily for non-organized, non-supervised activities;
 - A children's playground designed or used primarily for non-organized, non-supervised activities;
 - Seating areas designed or used primarily for non-organized, non-supervised activities;
 - Natural vegetation designed or used primarily for non-organized, non-supervised activities; A small open grass area designed or used primarily for non-organized, non-supervised activities; or
 - A community garden;
 - f. Trails for non-motorized recreational activities.
- D. The Council may wish to discuss with the Administration whether it may be appropriate to include the Chairs of the Historic Landmark Commission and Planning Commission as ex-officio non-voting members as an effort to provide as much consistency, coordination and interaction as possible between affected boards and commissions. The proposed ordinance provides for the following ex-officio non-voting members:
- a. Chair of the City Open Space Lands Advisory Board, or his/her designee;
 - b. Chair of the City’s Transportation Advisory Board, or his/her designee;
 - c. Chair of the Community Development and Capital; Improvements Board or his/her designee; and
 - d. Mayor or the Mayor’s designees.

cc: David Everitt, Karen Hale, Matt Lyon, Lyn Creswell, Ed Rutan, Lynn Pace, Paul Nielson, Jeff Niermeyer, Tom Ward, Rick Graham, Kevin Bergstrom, Val Pope, Dell Cook, Vicki Bennett, Emy Storheim, Frank Gray, Mary De La Mare-Schafer, LuAnn Clark, Tim Harpst, Kevin Young, Dan Bergenthal, Wilf Sommerkorn, Pat Comarell, Cheri Coffey, Joel Paterson, Robin Zeigler, Orion Goff, City Council Liaisons, Mayor’s Liaisons

File Location: Public Services, Parks Trails, and Urban Forestry Advisory Board



RALPH BECKER
MAYOR

SALT LAKE CITY CORPORATION

OFFICE OF THE MAYOR

CITY COUNCIL TRANSMITTAL



David Everitt, Chief of Staff

Date Received: 1/9/2009
Date sent to Council: 1/9/2009

TO: Salt Lake City Council
Carlton Christensen, Chair

DATE: January 9, 2009

FROM: David Everitt, Chief of Staff 535-7322

SUBJECT: Creation of the Parks, Trails, and Urban Forestry Advisory Board

STAFF CONTACT: Matt Lyon, Assistant to the Chief of Staff 535-7931

DOCUMENT TYPE: Ordinance

RECOMMENDATION: The Administration recommends that the City Council approve the ordinance.

BUDGET IMPACT: N/A

BACKGROUND/DISCUSSION:

Recent development proposals involving City owned parks have created concerns regarding the manner and process by which development can and should occur within City Parks.

After investigating this matter in community meetings and among City staff, it has been determined that the assistance of an advisory board for parks, trails and urban forestry would be useful to the City in evaluating proposals affecting such issues. This ordinance would create such an advisory board.

PUBLIC PROCESS: N/A

SALT LAKE CITY ORDINANCE
No. ____ of 2009

(Enacting Chapter 2.94 of the City Code creating the Parks, Trails, and Urban Forestry Advisory Board, and amending Chapter 2.26 of the City Code which contains the Urban Forestry Ordinance)

WHEREAS, recent development proposals within City owned parks have created concerns regarding the manner and process by which development can and should occur within City parks; and

WHEREAS, after having investigated this matter in community meetings and among City staff, it has been determined that the assistance of an advisory board for parks, trails and urban forestry would be useful to the City in evaluating proposals affecting such issues; and

WHEREAS, this ordinance would create such an advisory board; and

WHEREAS, the City Council has determined that this ordinance is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City Utah:

SECTION 1. Amending text of Salt Lake City Code heading Chapter 2.26. The heading to Chapter 2.26 of the Salt Lake City code shall be and hereby is amended to read as follows:

Chapter 2.26 Urban Forestry ~~Board~~Ordinance

SECTION 2. Amending text of Salt Lake City Code Sections 2.26030 – 2.26.150.

Sections 2.26.030 through Section 2.26.150 of the City Code shall be and hereby are deleted in their entirety.

~~2.26.030 Creation Of Board:~~

~~There is created the city urban forestry board, hereinafter referred to as the "board". (Prior code § 25-29-3)~~

~~2.26.040 Eligibility For Membership:~~

~~A person appointed as a member of the board shall be a resident of the state. Board members shall be individuals who are actively interested in the improvement of the city's urban forest. Members representing each of the council districts must reside in the district. (Prior code § 25-29-10)~~

~~2.26.050 Appointments:~~

~~The board shall consist of nine (9) voting members to be appointed by the mayor with the advice and consent of the council in the following manner:~~

~~A. One member from each of the seven (7) city council districts, one member representing the central business district, and one member representing the Sugar House business district. Of the members first appointed, the mayor shall designate three (3) to serve for a term of one year, three (3) to serve for a term of two (2) years, and three (3) to serve for a term of three (3) years. Thereafter, as terms expire, all appointments shall be for terms of three (3) years. Voting members shall serve no more than two (2) consecutive terms on the board.~~

~~B. The city engineer and planning director shall serve as ex officio members of the board.~~

~~C. The urban forester shall serve as administrative staff to the board. Clerical staff shall be provided by the department of public services. (Ord. 45-93 § 5, 1993; prior code § 25-29-4)~~

~~2.26.060 Oath Of Office:~~

~~To accept this appointment, members of the urban forestry board shall sign the oath of office required by law to be signed by city officials and file the same in the office of the city recorder. Any member who shall fail to file his or her oath of office within ten (10) days after notification of such member's appointment shall be deemed to have declined such appointment. Another person shall be appointed to the vacant position in the manner prescribed in this code. (Prior code § 25-29-6)~~

~~2.26.070 Compensation:~~

~~Members of the board shall receive no compensation for their services. (Prior code § 25-29-5)~~

~~2.26.080 Vacancies:~~

~~Vacancies occurring in the membership of the board shall be filled in a manner preserving the designated representation by mayoral appointment, with the advice and consent of the council, for the unexpired term. (Prior code § 25-29-7)~~

~~2.26.090 Removal from office:~~

~~Any member may be removed from office by the mayor for cause, prior to the normal expiration of the term for which such member was appointed. (Prior code § 25-29-8)~~

~~2.26.100 Member's ethics:~~

~~Members shall be subject to and bound by the provisions of the Chapter 2.44 of this title, or its successor. Any violation of the provisions of such chapter shall be grounds for removal from office. (Prior code § 25-29-9)~~

2.26.110 Meetings:

~~A. The board shall hold regular monthly meetings. The board shall hold its meetings in compliance with the State Open and Public Meetings Act.~~

~~B. Special meetings may be called by a majority of the board members, the chairperson or the mayor. The call for a special meeting must be signed by the parties calling such meeting and, unless waived in writing, each member not joining in the call for such special meeting must be given not less than three hours notice. The notice shall be served personally or left at the member's residence or business office.~~

~~C. Five members of the board shall constitute a quorum for the transaction of business. The board may act officially by an affirmative vote of any five of the members.~~

~~D. The department of public services shall make available a secretary to the board through the urban forester. Meetings shall be held at a public place as designated by the board.~~

~~E. The board shall cause minutes of its proceedings to be kept which shall be available for public inspection in the office of the director of the department of public services. The board shall record the yea and nay votes on any action taken by it.~~

~~F. The board shall adopt a system of rules of procedure under which its meetings are to be held. The board may suspend the rules of procedure by two thirds vote of the members of the board who are present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which~~

the suspension of the rules occurs. (Ord. 45-93 § 6, 1993; prior code § 25-29-11)

~~2.26.120 Election of board officers:~~

~~Each year the board at its first regular meeting after January 1st shall select one of its members as chairperson and another of its members as vice chairperson, who shall perform the duties of the chairperson during the absence or disability of the chairperson. No member shall serve more than two consecutive terms as chairperson. (Prior code § 25-29-12)~~

~~2.26.130 Committees:~~

~~The board may designate ad hoc subcommittees as it deems appropriate and advisable to study, consider and make recommendations on matters which are presented to the board. If the board desires nonmembers to serve on a subcommittee, it may request the mayor to make such appointments. Members of subcommittees will also serve without compensation. (Prior code § 25-29-14)~~

~~2.26.140 Attorney duties:~~

~~The city attorney shall be the attorney for the board. (Prior code § 26-29-16)~~

~~2.26.150 Powers and duties:~~

~~The board shall have the following powers and duties:~~

- ~~A. Determine and establish such rules and regulations for the conduct of the board as the members shall deem advisable; provided, however, that such rules and regulations shall not be in conflict with this chapter or other city, state or federal law;~~

- ~~B. Recommend the adoption and alteration of all rules, regulations and ordinances which it shall from time to time deem in the public interest and most likely to enhance and beautify the urban forest, and for the purposes of carrying out this chapter;~~
- ~~C. Recommend the broad matters of policy regarding the planting, maintenance and removal of trees and other vegetation on city property;~~
- ~~D. Recommend policies for the review and approval of capital projects where trees or other vegetation will be planted or removed on city property;~~
- ~~E. Recommend policies for the review and approval of projects on private property where open space and/or landscaping is required as a condition for the development, and recommend policies for the enforcement of approved plans;~~
- ~~F. Assist the urban forester in encouraging landscaping installation and maintenance on private property by providing information on the value of landscaping and on the proper planting and care of trees and other vegetation;~~
- ~~G. Identify landscaping projects that will enhance the urban forest and advocate incorporation of the projects into the capital planning process;~~
- ~~H. Recommend policies and procedures to identify, mark, publicize and preserve historic and notable trees on both public and private property;~~
- ~~I. Assist the urban forester in promoting appreciation of trees and the urban forest through annual Arbor Day observances and other activities;~~
- ~~J. Review those portions of the city budget allocated for the planting and care of trees and other vegetation, and advise the mayor on the appropriateness of the funding levels;~~

- ~~K. Whenever a vacancy occurs in the position of urban forester, recommend a procedure to select a replacement;~~
- ~~L. Encourage improvement of the urban forest through planning and policy development;~~
- ~~M. Assist city departments in every way possible to enhance the urban forest in the city;~~
- ~~N. In all instances, serve as an advocate of the city's urban forest. (Ord. 75-88 § 1- (part), 1988: prior code § 25-29-15)~~

SECTION 3. Chapter 2.94 of the City Code entitled "Parks, Trails and Urban Forestry Advisory Board," shall be and hereby is enacted to read as follows:

Chapter 2.94 Parks, Trails and Urban Forestry Advisory Board

Section 2.94.010. Purpose:

The purposes of Parks, Trails and Urban Forestry Advisory Board shall be as follows:

- A. Provide and oversee strong stewardship of the City's parks, trails and urban forest.
- B. Educate the public and advocate for the City's parks, trails and urban forest policies.
- C. Encourage and facilitate public involvement and input, and the incorporation of that input into the City's parks, trails and urban forest plans and policies.

Section 2.94.020. Definitions:

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this section:

- A. "Parks" means the areas defined by the Parks Division in a list that is updated and provided to the Board no less than annually.
- B. "Urban Forestry" shall mean all public trees owned and/or managed by Salt Lake City as of or after the effective date of the ordinance codified in this chapter or its successor ordinances.
- C. "Trails" means marked or signed paths within City owned easements, maintained and used primarily for hiking, bicycling, or other non-motorized modes of transportation.

Section 2.94.030. Creation of Board:

- A. There is created the City Parks, Trails and Urban Forestry Advisory Board (Board). The Board shall be comprised of nine to eleven voting members. The members shall be appointed by the Mayor with the advice and consent of the City Council. Each member shall serve for a term of three years and may not serve more than two consecutive terms. The terms of the initial members shall be staggered for such periods from one to three years so as to provide that the terms of one third of the Board membership expire each year. One member of the Board shall be appointed from each City Council district. The remaining members of the Board shall be appointed as at large members. No more than three members may live outside of the Salt Lake City boundaries.

B. Nominations to the Board should reflect diverse community interests by seeking to find members with geographic, professional, cultural and neighborhood/community diversity. It is recommended that some people with landscaping, architectural, financial, planning, historic preservation, and legal backgrounds be appointed. The Mayor is also encouraged to seek out individuals with interest or expertise in the following areas: bicycling, tennis, running, basketball, dogs, art, stewardship of the environment and other similar areas of interest. Parents of young children should also be considered.

C. The Board shall also include the following ex-officio non voting members:

i. The chair of the City Open Space Lands Advisory Board, or his/her designee;

ii. The Chair of the City's Transportation Advisory Board, or his/her designee;

iii. The Chair of the Community Development and Capital; Improvements Board or his/her designee; and

iv. The Mayor or the Mayor's designees.

D. Members shall receive no compensation for serving on the Board but may be reimbursed for costs reasonably incurred.

E. The Board will be located and staffed in the department of Public Services and will have access to and assistance from the Parks Director, or his/her designee; the Urban Forester, or his/her designee; the Director of Transportation, or his/her designee; the Trails Coordinator, or his/her designee; the City Open

Space Coordinator, or his/her designee; other City departments and/or divisions; and the City Attorney's Office as needed.

Section 2.94.040. Vacancies:

Vacancies occurring in the membership of the Board shall be filled in a manner preserving the designated representation by Mayoral appointment, with advice and consent of the City Council, for the unexpired term.

Section 2.94.050. Removal from Office:

Any Board member may be removed from office by the Mayor for cause, prior to the normal expiration for which this member was appointed. Any member failing to attend three Board meetings in one calendar year shall be subject to forfeiture membership on the Board.

Section 2.94.060. Board Members Ethics:

Members shall be subject to and bound by the provision of Chapter 2.44, "Conflict of Interest," of this title or its successor. Any violations of the provisions of said chapter, or its successor, shall be grounds for removal from office. Members shall recuse themselves from participating on any decision to which they are a party or which vote may constitute a violation of the City's conflict of interest ordinance.

Section 2.94.070. Meetings of the Board:

- A. The Board shall meet on an as needed basis, but not less than monthly. All meetings shall be subject to the Utah Open and Public Meetings Act, and unless closed pursuant to that act, such meetings shall be open to the public. Meetings

may be convened by the call of the Chair of the Board, a majority of the Board, or the Mayor.

B. A majority of the voting members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. The Board may act at any meeting at which a quorum is present, by an affirmative vote of a majority of the voting members present.

C. The Board shall create a written record of its proceedings, except for any executive sessions, which shall be available for public inspection. The Board shall record the yea and nay votes of any action by it. The department of Public Services shall make available a secretary to the Board when required.

D. The Board shall adopt policies and procedures under which its meetings are to be held. The Board may suspend the rules and procedures by unanimous vote of the voting members present at the meeting. The Board shall not suspend the rules of procedure beyond the duration of the meeting at which suspension of the rules occurred. Any matter not addressed in the Board's policies and procedures shall be handled pursuant to Robert's Rules of Order.

E. The Chairperson of the Board, in consultation with other Board members, the department of Public Services, Parks Divisions, Urban Forestry Division, Trails Division, and other City departments will develop the agenda for each meeting.

Section 2.94.080. Election of Officers:

Each year the Board, at its first regular meeting of each calendar year, shall select one of its members as Chairperson and another of its members as Vice Chairperson, who shall perform the duties of the Chairperson during the absence or disability of the

Chairperson. The Chair and Vice Chair shall serve for a one year term. No member shall serve more than two consecutive terms as Chairperson.

Section 2.94.090. Powers and Duties:

The Board shall have the following powers and duties:

- A. Review and advise the Parks, Transportation and Urban Forestry Divisions with respect to the annual budget as it relates to the City's parks, trails, and urban forestry.
- B. Review, rank, prioritize, and make recommendations on Capital Improvement Program funding applications and construction designs pertaining to the Parks, Transportation, and Urban Forestry Divisions as they relate to the City's parks, trails, and urban forestry. Recommendations are to be submitted to the Department of Community & Economic Development and Capital Improvement Programs Board for their consideration prior to their review of such project applications.
- C. Advise and provide input regarding master planning of the City's parks, trails, and urban forestry and the establishment of new parks or trails or the removal of existing parks or trails. The Board can also make broad recommendations pertaining to user groups, types of foliage, access, tree genera and/or species, etc.

- D. Review operation policies related to park use, vendors, special events, facilities, maintenance, landscaping standards, trail standards and protection, renewal and sustainability of the city's Urban Forestry requirements.
- E. Advise and provide input on broad policy, management, and development standards related activities, specific goals and direction of the Parks, Transportation, and Urban Forestry Divisions, as they relate to parks, trails, and urban forestry related issues.
- F. Provide advice and expertise to other boards, such as the Historic Landmarks Commission, Planning Commission, Open Space Lands Advisory Board and Transportation Advisory Board, as requested or deemed appropriate.
- G. Draft and submit an annual report relating to the Board's activities, including information on major items and issues occurring in connection with the City's parks, trails, and urban forestry, to the Mayor and City Council.

Section 2.94.100. Review of Action & Powers of Mayor:

All actions taken by the Board are advisory and shall constitute recommendations to the Mayor, City Council, Director of Public Services, Parks Director, Transportation Director, Urban Forester, and other City commissions and boards and shall not constitute official action. Division Directors, Department Directors, and/or the Mayor shall have power to review, ratify, modify, reject, or disregard any recommendation submitted by the Board, and the Mayor may refer the matter to the City Council if appropriate.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2009.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2008.
Published: _____.

SALT LAKE CITY ORDINANCE
No. ____ of 2009

(Enacting Chapter 2.94 of the City Code creating the Parks, Trails, and Urban Forestry Advisory Board, and amending Chapter 2.26 of the City Code which contains the Urban Forestry Ordinance)

WHEREAS, recent development proposals within City owned parks have created concerns regarding the manner and process by which development can and should occur within City parks; and

WHEREAS, after having investigated this matter in community meetings and among City staff, it has been determined that the assistance of an advisory board for parks, trails and urban forestry would be useful to the City in evaluating proposals affecting such issues; and

WHEREAS, this ordinance would create such an advisory board; and

WHEREAS, the City Council has determined that this ordinance is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City Utah:

SECTION 1. Amending text of Salt Lake City Code heading Chapter 2.26. The heading to Chapter 2.26 of the Salt Lake City code shall be and hereby is amended to read as follows:

Chapter 2.26 Urban Forestry Ordinance

SECTION 2. Amending text of Salt Lake City Code Sections 2.26030 – 2.26.150. Sections 2.26.030 through Section 2.26.150 of the City Code shall be and hereby are deleted in their entirety.

SECTION 3. Chapter 2.94 of the City Code entitled “Parks, Trails and Urban Forestry Advisory Board,” shall be and hereby is enacted to read as follows:

Chapter 2.94 Parks, Trails and Urban Forestry Advisory Board

Section 2.94.010. Purpose:

The purposes of Parks, Trails and Urban Forestry Advisory Board shall be as follows:

- A. Provide and oversee strong stewardship of the City’s parks, trails and urban forest.
- B. Educate the public and advocate for the City’s parks, trails and urban forest policies.
- C. Encourage and facilitate public involvement and input, and the incorporation of that input into the City’s parks, trails and urban forest plans and policies.

Section 2.94.020. Definitions:

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this section:

- A. “Parks” means the areas defined by the Parks Division in a list that is updated and provided to the Board no less than annually.
- B. “Urban Forestry” shall mean all public trees owned and/or managed by Salt Lake City as of or after the effective date of the ordinance codified in this chapter or its successor ordinances.
- C. “Trails” means marked or signed paths within City owned easements, maintained and used primarily for hiking, bicycling, or other non-motorized modes of transportation.

Section 2.94.030. Creation of Board:

- A. There is created the City Parks, Trails and Urban Forestry Advisory Board (Board). The Board shall be comprised of nine to eleven voting members. The members shall be appointed by the Mayor with the advice and consent of the City Council. Each member shall serve for a term of three years and may not serve more than two consecutive terms. The terms of the initial members shall be staggered for such periods from one to three years so as to provide that the terms of one third of the Board membership expire each year. One member of the Board shall be appointed from each City Council district. The remaining members of the Board shall be appointed as at large members. No more than three members may live outside of the Salt Lake City boundaries.
- B. Nominations to the Board should reflect diverse community interests by seeking to find members with geographic, professional, cultural and neighborhood/community diversity. It is recommended that some people with landscaping, architectural, financial, planning, historic preservation, and legal backgrounds be appointed. The Mayor is also encouraged to seek out individuals with interest or expertise in the following areas: bicycling, tennis, running, basketball, dogs, art, stewardship of the environment and other similar areas of interest. Parents of young children should also be considered.
- C. The Board shall also include the following ex-officio non voting members:
 - i. The chair of the City Open Space Lands Advisory Board, or his/her designee;

- ii. The Chair of the City's Transportation Advisory Board, or his/her designee;
- iii. The Chair of the Community Development and Capital; Improvements Board or his/her designee; and
- iv. The Mayor or the Mayor's designees.

D. Members shall receive no compensation for serving on the Board but may be reimbursed for costs reasonably incurred.

E. The Board will be located and staffed in the department of Public Services and will have access to and assistance from the Parks Director, or his/her designee; the Urban Forester, or his/her designee; the Director of Transportation, or his/her designee; the Trails Coordinator, or his/her designee; the City Open Space Coordinator, or his/her designee; other City departments and/or divisions; and the City Attorney's Office as needed.

Section 2.94.040. Vacancies:

Vacancies occurring in the membership of the Board shall be filled in a manner preserving the designated representation by Mayoral appointment, with advice and consent of the City Council, for the unexpired term.

Section 2.94.050. Removal from Office:

Any Board member may be removed from office by the Mayor for cause, prior to the normal expiration for which this member was appointed. Any member failing to attend three Board meetings in one calendar year shall be subject to forfeiture membership on the Board.

Section 2.94.060. Board Members Ethics:

Members shall be subject to and bound by the provision of Chapter 2.44, “Conflict of Interest,” of this title or its successor. Any violations of the provisions of said chapter, or its successor, shall be grounds for removal from office. Members shall recuse themselves from participating on any decision to which they are a party or which vote may constitute a violation of the City’s conflict of interest ordinance.

Section 2.94.070. Meetings of the Board:

- A. The Board shall meet on an as needed basis, but not less than monthly. All meetings shall be subject to the Utah Open and Public Meetings Act, and unless closed pursuant to that act, such meetings shall be open to the public. Meetings may be convened by the call of the Chair of the Board, a majority of the Board, or the Mayor.
- B. A majority of the voting members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. The Board may act at any meeting at which a quorum is present, by an affirmative vote of a majority of the voting members present.
- C. The Board shall create a written record of its proceedings, except for any executive sessions, which shall be available for public inspection. The Board shall record the yea and nay votes of any action by it. The department of Public Services shall make available a secretary to the Board when required.
- D. The Board shall adopt policies and procedures under which its meetings are to be held. The Board may suspend the rules and procedures by unanimous vote of the voting members present at the meeting. The Board shall not suspend the

rules of procedure beyond the duration of the meeting at which suspension of the rules occurred. Any matter not addressed in the Board's policies and procedures shall be handled pursuant to Robert's Rules of Order.

- E. The Chairperson of the Board, in consultation with other Board members, the department of Public Services, Parks Divisions, Urban Forestry Division, Trails Division, and other City departments will develop the agenda for each meeting.

Section 2.94.080. Election of Officers:

Each year the Board, at its first regular meeting of each calendar year, shall select one of its members as Chairperson and another of its members as Vice Chairperson, who shall perform the duties of the Chairperson during the absence or disability of the Chairperson. The Chair and Vice Chair shall serve for a one year term. No member shall serve more than two consecutive terms as Chairperson.

Section 2.94.090. Powers and Duties:

The Board shall have the following powers and duties:

- A. Review and advise the Parks, Transportation and Urban Forestry Divisions with respect to the annual budget as it relates to the City's parks, trails, and urban forestry.
- B. Review, rank, prioritize, and make recommendations on Capital Improvement Program funding applications and construction designs pertaining to the Parks, Transportation, and Urban Forestry Divisions as they relate to the City's parks, trails, and urban forestry. Recommendations are to be submitted to the Department of Community & Economic Development and Capital

Improvement Programs Board for their consideration prior to their review of such project applications.

- C. Advise and provide input regarding master planning of the City's parks, trails, and urban forestry and the establishment of new parks or trails or the removal of existing parks or trails. The Board can also make broad recommendations pertaining to user groups, types of foliage, access, tree genera and/or species, etc.
- D. Review operation policies related to park use, vendors, special events, facilities, maintenance, landscaping standards, trail standards and protection, renewal and sustainability of the city's Urban Forestry requirements.
- E. Advise and provide input on broad policy, management, and development standards related activities, specific goals and direction of the Parks, Transportation, and Urban Forestry Divisions, as they relate to parks, trails, and urban forestry related issues.
- F. Provide advice and expertise to other boards, such as the Historic Landmarks Commission, Planning Commission, Open Space Lands Advisory Board and Transportation Advisory Board, as requested or deemed appropriate.
- G. Draft and submit an annual report relating to the Board's activities, including information on major items and issues occurring in connection with the City's parks, trails, and urban forestry, to the Mayor and City Council.

Section 2.94.100. Review of Action & Powers of Mayor:

All actions taken by the Board are advisory and shall constitute recommendations to the Mayor, City Council, Director of Public Services, Parks Director, Transportation

Director, Urban Forester, and other City commissions and boards and shall not constitute official action. Division Directors, Department Directors, and/or the Mayor shall have power to review, ratify, modify, reject, or disregard any recommendation submitted by the Board, and the Mayor may refer the matter to the City Council if appropriate.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2009.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: ____ Approved. ____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 12-29-08
By [Signature]

(SEAL)

Bill No. _____ of 2008.
Published: _____.