

## TREE COMMISSION BYLAWS AND RULES OF PROCEDURE

### General

#### Background.

Urbana City Code Section 25-33 authorizes the establishment of the Tree Commission ("Commission"). To this end, the Commission adopts the following bylaws and rules of procedure.

#### Responsibilities of the Commission

The functions and duties of the Commission are limited to those set forth in Urbana City Code Chapter 25, Divisions 2 ("Tree Commission") and 4 ("Legacy Tree Program") and any other duly enacted ordinance. The Urbana City Code does not vest legislative discretion or power in the Commission.

#### 1. Specific duties.

The Commission shall perform the following duties:

- A. Adoption of rules of procedure. Within a reasonable time after the appointment of the Commission, upon call of the chairperson of the Commission, the Commission shall meet and adopt rules of procedure for whatever regular and special meetings are deemed by the Commission to be advisable and necessary to the fulfillment of the duties imposed upon it by the Urbana City Code.
- B. Advisement of arborist. The Commission shall advise and consult the arborist on any matter pertaining to Urbana City Code Chapter 25, Division 2, and its enforcement. The topics under which this advice and consultation may be given may include, but are not limited to, any of the following:
  - 1) Amendments to Division 2 and alterations or revisions to the arboricultural specifications manual;
  - 2) Policy concerning selection, planting, maintenance and removal of trees, shrubs and other plants within the City;
  - 3) Allocation of funds to the Arbor Division, and expenditures of funds by the Arbor Division;
  - 4) Establishment of educational and informational programs whereby the public may be notified of any matters pertaining to Division 2 and the arboricultural specifications manual;
  - 5) Development of policies and procedures regarding the arborist's duties;
  - 6) Issuance of permits required by Division 2; and
  - 7) Development of a program for optimizing the tree, shrub and other plant resources within the City.
- C. Hearing of disputes. The Commission, upon the request of any person who disagrees with the decision of the arborist, shall hear all issues of the disputes which arise between the arborist and any such person whenever those issues involve matters of the interpretation of

the arboricultural specifications manual or of the interpretation or enforcement of Division 2, including disputes regarding the issuance of permits, or the concurrence or nonconcurrence of the arborist in permits required under the Urbana City Code, or the abatement of nuisances. The decision of a majority of the appointed members of the Commission with regard to such dispute shall be binding upon the arborist.

D. Designation of legacy trees. The Commission shall evaluate and designate legacy trees and provide public forum for comments on legacy tree delisting requests.

- 1) Evaluation. If the property owner on which a nominated tree is located has given written consent to participation in the Legacy Tree Program, the arborist shall submit his/her legacy tree assessment findings regarding the nominated tree to the Commission along with the arborist's recommendation regarding whether the nominated tree should be designated as a "legacy tree." On receiving the arborist's recommendation, the commissioners may individually inspect the nominated tree prior to making a final determination of a legacy tree designation.
- 2) Designation. On receiving the arborist's recommendation and on completion of any individual inspections, the Commission shall consider, at its next regular or special meeting, whether the nominated tree qualifies under the legacy tree assessment set forth in Urbana City Code Section 25-71, and may designate the nominated tree as a "legacy tree" by majority vote of those voting members present and voting.
- 3) Delisting a healthy designated legacy tree. A property owner pursuing the removal of a legacy tree from the Legacy Tree Program for reasons other than those stated in Urbana City Code Section 25-72 may do so at his/her own discretion, following issuance of a legacy tree delisting permit by the arborist. The legacy tree delisting permit application shall be included as an agenda item on the Commission meeting agenda. Any individual wishing to speak on the pending legacy tree delisting permit application shall have the opportunity to do so during the public input section of the Commission meeting.
- 4) Denial of application. The Commission shall have no authority to deny a legacy tree delisting permit application.

#### Membership

#### 2. Composition.

As specified in Urbana City Code Section 23-34, The Commission shall be composed of ten (10) commissioners. Seven (7) commissioners shall be appointed by the mayor with the approval of the council. These seven (7) commissioners, of which four (4) shall be selected on the basis of their expertise in a field related to plants and trees, and the remaining three (3) who shall be knowledgeable in other areas to provide additional perspectives, shall serve without pay and shall reside within the City. The remaining three (3) commissioners shall be ex officio and shall not vote. The three (3) ex officio commissioners shall be: the Director of Public Works, the Director of Parks and Recreation of the Urbana Park District or his/her representative, and the arborist.

#### 3. Terms.

- A. Except as otherwise provided in Urbana City Code section 25-35, each commissioner of the Commission shall serve for a term of three (3) years. Any commissioner initially appointed to the Commission who is not an ex officio member shall serve for such term as is appropriate to stagger the terms of office of the seven (7) commissioners who are not ex officio members so that the terms of office of any two (2) such commissioners shall expire in one year, the terms of office of any two (2) such other commissioners shall expire in the next subsequent year and the terms of office of the remaining three (3) such commissioners shall expire in the year thereafter.
- B. All commissioners must successfully complete electronic training on the Open Meetings Act within 90 days of their appointment.

4. Expiration of Terms, Filling of Vacancies, Removal of Members.

The length of time between the date of appointment of any commissioner and the next July first shall be calculated as one year of the term of the commissioner so appointed. Within thirty (30) days following the expiration of the term of any appointed commissioner, a successor shall be appointed by the mayor with the approval of the council, and the successor shall serve for a term of three (3) years. Should any commissioner resign or be removed from the Commission, a successor shall be appointed by the mayor and shall serve for the unexpired period of the vacated term. A member of the Commission may be removed by the mayor with the approval of a majority of council for good cause.

5. Chairperson.

- A. The mayor shall designate the chairperson of the Commission. If the office of the Chair becomes vacant or if the Chair is unwilling or unable to perform his or her duties, the Vice-Chair shall perform the Chair's duties until the mayor appoints a successor to the Chair.
- B. Except as otherwise provided herein, the Chair shall have the duties and powers to:
  - 1) Preside over all deliberations and meetings of the Commission;
  - 2) Vote on all questions before the Commission;
  - 3) Call special meetings of the Commission in accordance with these bylaws.

6. Vice-Chair.

The Vice-Chair shall be selected by a majority of the members present at a regular meeting of the Commission. The Vice-Chair shall conduct meetings in the absence of the Chair.

7. Recording Secretary.

- A. The Recording Secretary shall:
  - 1) Maintain an accurate, permanent and complete record of all proceedings conducted during the Commission meetings and of all actions taken by the Commission;
  - 2) Prepare the minutes of all Commission meetings;
  - 3) Give all notices of regular and special Commission meetings as required by the Open Meetings Act;

- 4) Inform the Commission members of correspondence and other communications relating to Commission business;
  - 5) Conduct correspondence on behalf of the Commission as directed by the Chair or the Commission;
  - 6) Attend all Commission meetings or send a designee to do the same; and
  - 7) Compile all required records and maintain the necessary files, indexes, maps and plans as directed by the Chair or Commission.
- B. The Recording Secretary shall perform such other duties for the Chair or the Commission as may reasonably be directed.

### Meetings

8. General Procedures.

- A. Any person requesting that the Commission review or consider an item within its authority shall make a written request to the Chair, arborist or his/her designee. If the request concerns a dispute of a decision of the arborist, the Chair, arborist, or his/her designee shall direct the Recording Secretary to place the matter on the agenda of the next scheduled regular meeting of the Commission. If the request concerns any other matter, the Chair, arborist, or his/her designee shall determine whether to place the matter on the meeting agenda of the Commission. The Commission may, by majority vote, direct that an issue be placed on a future agenda.
- B. Where appropriate or necessary for the Commission to consider an item or matter placed on its meeting agenda, the arborist or his/her designee may prepare a report which includes (i) sufficient technical data and information for the Commission to consider the respective item or matter; and (ii) a recommendation concerning any proposed action to be taken by the Commission which may include, but not necessarily be limited to, making recommendations to the council.
- C. All meetings of the Commission shall be subject to and conducted in compliance with the Open Meetings Act.

9. Regular Meetings.

Regular meetings of the Commission shall be held in the Engineering Conference Room at the Urbana Public Works Building, 706 South Glover Street, Urbana, Illinois, or at such other place as may be determined by the Commission. At the beginning of each calendar year, the Commission shall create and make available to the public a schedule of its regular meetings for that year, including their dates, times, and locations. The Commission shall meet quarterly when there is business to conduct, except in those instances where a public holiday falls on that day. At regular meetings, the Commission may consider all matters properly noticed before it.

10. Special Meetings.

The arborist may call a special meeting of the Commission on an as needed basis. The Chair may also, or upon the request of a majority of the members of the Commission, call a special meeting of the Commission. Unless otherwise specified in the notice of special meeting, all special meetings shall be held at the regular meeting place of the Commission. Only items specifically listed on the agenda may be discussed at a special meeting. Notice of special meetings shall be posted at least forty-eight (48) hours in advance thereof.

11. Public Meetings.

All Commission meetings shall be public meetings as per the Open Meetings Act.

12. Public Input.

Any person who seeks to address the members of the Commission will be permitted to speak on any matter listed on the agenda or on any other matter of public concern, subject to the following provisions:

- A. The meeting agenda shall designate a time during the meeting at which the public may address the members. The Chair may require persons wishing to speak during any portion of a meeting to sign in before the start of the meeting and to provide their names. The Chair may request speakers to provide their city of residence at sign in, but speakers are not obligated to provide their cities of residence in order to speak during public comment.
- B. Prior to speaking, each person must be recognized by the Chair.
- C. Public comment is limited to no more than five (5) minutes per person and to no more than one (1) hour per meeting, unless extended by consent of a majority vote of the members present. The Chair or his or her designee shall monitor each speaker's use of time and shall notify the speaker when the time allotted has expired.
- D. If the Chair recognizes that more than twenty (20) persons desire to speak, he or she may limit each speaker to comments of no more than three (3) minutes. Whenever any group of persons wishes to address the Commission on the same subject matter, the Chair may ask that a spokesperson be chosen from the group. If additional matters are to be presented by other persons in the group, the Chair may limit the number of such persons and may limit the presentation to information not already presented by the group spokesperson.
- E. Persons invited by the Chair to address the members are subject to such time limitations as the majority of the members present may prescribe.
- F. No member of the Commission is obligated to respond to anything contained in a person's public input.

13. Notice of Meetings.

- A. All notices of regular and special meetings shall be given in the manner provided for and in compliance with the Open Meetings Act.
- B. The Recording Secretary shall post the notice at the City Building and on the City's website and shall provide a copy of the notice to persons and organizations as provided by law and

to any person who has requested in writing to be notified of Commission meetings. The Recording Secretary shall also post a copy of the notice at the meeting site. At the discretion of the Recording Secretary, notice may also be provided to persons and organizations known to have a special interest in matters to be considered by the Commission.

- C. Notice shall be given not less than forty-eight (48) hours in advance of a meeting.

14. Agenda; Order of Business.

- A. The order of business at all regular meetings shall be determined by the agenda which shall generally include the following items:
  - 1) Call to order and roll call;
  - 2) Approval of the agenda;
  - 3) Approval of minutes from previous meeting;
  - 4) Public comments;
  - 5) Unfinished business;
  - 6) Reports of City officials and staff, if not included as part of discussion of unfinished business;
  - 7) New business; and
  - 8) Adjournment.
- B. Any item may be taken out of order by direction of the Chair.
- C. The Commission cannot take final action on items not listed on the agenda.
- D. Public meetings shall last no longer than 2 hours, unless a majority of the members present vote to extend the meeting. In the absence of such vote, any unfinished business shall be continued to the next scheduled regular meeting or at a duly-noticed special meeting.

15. Quorum.

At any Commission meeting, a quorum shall consist of four (4) members. No commissioner may participate or vote electronically at a Commission meeting. No formal action shall be taken in the absence of a quorum, except to adjourn the meeting. For the purpose of establishing a quorum, members who have disqualified or recused themselves from participation in any matter shall be counted as present.

16. Voting.

- A. Except as provided by these bylaws, rules of conduct or Illinois law, each Commission member is entitled to vote on all matters at all meetings. The Arborist, Director of Parks or representative, and such other City personnel and general public as the Chair may from time to time designate are entitled to participate in discussion, but do not have the right to vote.

- B. Each commissioner is deemed to have notice of all prior Commission deliberations and proceedings and, therefore, may vote on all matters before the Commission unless disqualified as provided in these bylaws.
- C. The concurrence of a majority of the voting members shall be necessary to determine any question before the Commission, except for amendments to the bylaws, in which case, the concurrence of a two-thirds majority is necessary. Majority is based on the number of votes cast, excluding abstentions, disqualifications and absences. A tie vote causes the motion to fail.
- D. When a matter is called for a vote, the Chair shall, before a vote is taken, restate the question and shall announce the decision of the Commission after such vote.
- E. Voting shall be by voice vote. In the event that the Chair cannot determine if there are more votes for or against the motion, then the Chair may call for a roll call vote.

17. Continuances; Remands.

Any item before the Commission may be continued to a subsequent meeting. A motion to continue an item shall specify the date or event upon which the item is to be considered. The requirements concerning notice of public meetings provided for in the Open Meetings Act shall apply insofar as whether additional notice of any continued meeting is required. Unless the council provides otherwise, any item it remands to the Commission for reconsideration shall be treated as a new item and proceedings shall be provided for as if the matter was initially before the Commission.

18. Minutes.

- A. The Recording Secretary or a designee shall be present at each meeting and shall cause the proceedings to be stenographically or electronically recorded. A full transcript is not required but written minutes giving a true reflection of the matters discussed at a meeting and the views of the participants shall be prepared and maintained by the Recording Secretary. The Recording Secretary shall record all votes on matters presented to the commission.
- B. Minutes of regular meetings shall be available to the public, upon request, within a reasonable time after a meeting and shall include the following:
  - 1) The date, time, and place of the meeting;
  - 2) Members present;
  - 3) Motions, proposals, and measure proposed and their disposition; and
  - 4) A summary description of any discussion of any matter.
- C. Members are expected to vote for approval of the minutes based on the accuracy of representation of events at the meeting. A vote in favor of adopting minutes does not signify agreement or disagreement with the Commission's actions memorialized in such minutes.

19. Conflict of Interest.

- A. Whenever a member has a financial or personal interest in any matter coming before the Commission, the affected person shall (i) fully disclose the nature of the interest at a public meeting of the Commission; and (ii) withdraw from discussion, lobbying, and voting on the matter.
- B. Any transaction or vote involving a potential conflict of interest shall be approved only by a majority of disinterested members. The minutes of the meeting at which such votes are taken shall record such disclosure and abstention.

#### Publication and Suspension of Bylaws and Rules of Procedure

20. Publication and Distribution.

A copy of these bylaws and rules of procedures shall be:

- A. Placed on record with the City Clerk and the Recording Secretary of the Commission;
- B. Available at each Commission meeting;
- C. Distributed to each Commission member;
- D. Available to the public; and
- E. Posted on the Commission's webpage on the City's website.

21. Suspension.

Any rule of procedure not required by law may be suspended temporarily at any meeting by majority vote of those members present and voting.