

**Sec. 25-33. Establishment.**

The tree commission is hereby established.

*(Ord. No. 7677-24, § IV, 8-16-76)*

**Sec. 25-34. Composition.**

The tree 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 park district or his/her representative, and the arborist.

*(Ord. No. 7677-24, § IV, 8-16-76; Ord. No. 8889-24, 10-3-88; Ord. No. 8889-39, 12-19-88)*

**Sec. 25-35. Terms.**

Except as otherwise provided in this section, each commissioner of the tree commission shall serve for a term of three (3) years. Any commissioner initially appointed to the tree 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 shall 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.

*(Ord. No. 7677-24, § IV, 8-16-76; Ord. No. 8889-24, 10-3-88)*

**Sec. 25-36. Expiration of terms; filling of vacancies; removal of members.**

The length of the term of a commissioner appointed prior to July 1, 1976, shall be measured as if the commissioner had been appointed on July 1, 1976. After July 1, 1976, 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 tree commission, a successor shall be appointed by the mayor and shall serve for the

unexpired period of the vacated term. A member of the tree commission may be removed by the mayor with the approval of a majority of council for good cause.

*(Ord. No. 7677-24, § IV, 8-16-76)*

**Sec. 25-37. Chairperson.**

The mayor shall designate the chairperson of the tree commission.

*(Ord. No. 7677-24, § IV, 8-16-76)*

**Sec. 25-38. Functions and duties generally.**

The functions and duties of the tree commission are limited to those set forth in this article, and as set forth in any other duly enacted ordinance. Nothing in this article shall be construed as vesting legislative discretion or power in the tree commission.

*(Ord. No. 7677-24, § IV, 8-16-76)*

**Sec. 25-39. Specific duties.**

The tree commission shall perform the following duties:

(1)

*Adoption of rules of procedure.* Within a reasonable time after the appointment of the tree commission, upon call of the chairperson of the tree commission, the tree commission shall meet and adopt rules of procedure for whatever regular and special meetings are deemed by the tree commission to be advisable and necessary to the fulfillment of the duties imposed upon it by this article.

(2)

*Advisement of arborist.* The tree commission shall advise and consult the arborist on any matter pertaining to this article and to its enforcement. The topics under which this advice and consultation may be given may include, but are not limited to, any of the following:

a.

Amendments to this article and alterations or revisions to the arboricultural specifications manual;

b.

Policy concerning selection, planting, maintenance and removal of trees, shrubs and other plants within the city;

c.

Allocation of funds to the arbor division, and expenditures of funds by the arbor division;

- d. Establishment of educational and informational programs whereby the public may be notified of any matters pertaining to this article and to the arboricultural specifications manual;
- e. Development of policies and procedures regarding the arborist's duties;
- f. Issuance of permits required by this article.
- g. Development of a program for optimizing the tree, shrub and other plant resources within the city.

(3)

*Hearing of disputes.* The tree 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 city 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 this article, including disputes regarding the issuance of permits, or the concurrence or nonconcurrence of the arborist in permits required under other ordinances or laws, or the abatement of nuisances. The decision of a majority of the appointed members of the tree commission with regard to such dispute shall be binding upon the arborist. Nothing in this section shall be construed to limit the jurisdiction of any court of law with respect to such disputes.

*(Ord. No. 7677-24, § IV, 8-16-76)*