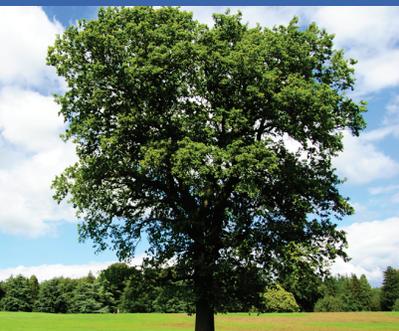




City of Benicia Parks & Community Services



The Development and Implementation of a Tree Program for the City of Benicia



September 2009

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ACKNOWLEDGEMENTS

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The Development and Implementation of a Tree Program for the City of Benicia

INTRODUCTION

The contents of this report chronicle the history, actions and recommendations of community members, City staff, and arboriculture professionals charged with the task of developing Benicia's tree program.

PURPOSE & OBJECTIVE

Trees are recognized as an important community asset. Their value in an urban environment is magnified due to their scarcity and vital contribution to such populations. This understanding has been memorialized in Benicia's General Plan, subsequent City Council Resolutions and Ordinances. Therefore, efforts to protect, propagate, and properly maintain trees are consistent with community values and overall wellbeing. To that end, the development and implantation of a comprehensive tree program is a worthwhile effort that will, among other things, improve our urban environment, provide shade for greater walkability, combat climate change, and enhance our community character and environmental health.

Motivated to achieve these results, the City of Benicia, its elected officers and community members have endeavored, for the last seven years, to create a tree program.

The adoption of the proposed program will provide the necessary vehicle for the City to protect and plant trees. This action will help to improve the quality of life in Benicia and further demonstrates the City's leadership on environmental and sustainability policies.

The objective of a tree program is more than planting new trees. Rather, it is a concerted, comprehensive effort to advance sound tree management practices and policies. This includes, not only the planting of new trees, but the knowledge to plant the right tree in the right location, the wherewithal to maintain one's trees, the dissemination of proper pruning practices to a lay audience and a vision to plan for future generations.

EXECUTIVE SUMMARY

The initiation of a comprehensive tree program will begin with the implementation of the goals, strategies and allocation of financial resources that are detailed in this report. The following, developed through a public process, facilitated by the Tree Program Steering Group, are the five major goals and recommended budget allocation for Benicia's tree program:

Goal 1 - Public Education: develop and disseminate information on proper tree care, \$50,000

Goal 2 – Tree Maintenance: perform routine tree care on City owned trees, develop tree management plan, \$200,000

Goal 3 – Tree Inventory / Master Plan: gather information on City trees, develop community maintenance and planting strategies, \$175,000

Goal 4 – Tree Planting: plant more trees but in a manner consistent with the results of the tree inventory and master plan, \$164,000

Goal 5 – Public / Private Partnership: develop private partners to advance sound tree policy and planting throughout the community, \$211,000

Did You Know

A large front yard tree can save \$29 in summertime air conditioning by shading the building and cooling the air (250 kWh), about 9% of a typical residential building's total annual air conditioning costs.*

*Center for Urban Forest Research, Pacific Southwest Research Station, USDA Forest Service, Davis, California.

HISTORY

REVISION AND ADOPTION OF A NEW TREE ORDINANCE

Two years into the new millennium Benicia residents settled in the living room of civic leaders to discuss how to improve the care and condition of the trees in our community. The impetus from these grassroots, living room chats was the creation of a formal public body charged with improving Benicia's trees. In 2004 the Parks, Recreation and Cemetery Commission formed an ad hoc Tree Committee. The formation of this committee was initiated by the City Council's desire to review and update our tree policies. Following the formation of the Tree Committee, the City Council passed Resolution No. 05-76 (see exhibit 2) that encouraged the preservation of trees and modernization of City tree policies.

The first task of this Committee was the creation of a new tree ordinance. After two years of drafting and many months of review, the Tree Committee presented the revised tree ordinance to the Parks, Recreation and Cemetery Commission which gave unanimous approval and endorsed its adoption by the City Council.

On April 15, 2008 the City Council held a study session to review the details of the tree ordinance. Following the study session, on June 17, 2008, staff returned the ordinance to the City Council for the first of two public hearings. The ordinance was subsequently adopted at the second public hearing on July 1, 2008.

Worth noting and emphasizing is the fact that the tree ordinance adopted by the City Council was a *revised* ordinance. The City of Benicia had a tree ordinance that had been in effect since the late 1970's. The preservation of trees was paramount in the old ordinance but this singular intent created conflict with tree conservation efforts, modern tree management practices and was felt by some to be too onerous on the rights of private property owners. To resolve these issues a new ordinance was drafted that is fluid with changing tree management policies. The revised ordinance clarifies and distinguishes tree management and mitigation responsibilities between the Parks and Community Services Department and Community Development Department. Also, it better defines the types of trees that require a pruning or

removal permit. The way in which trees are evaluated for removal were also clarified. The previous guidelines were ambiguous and too subjective. The new Tree Preservation Standards of Review establishes an objective test that provides a more uniform assessment of the guidelines. The revised tree ordinance also added new elements, key to bringing Benicia inline with neighboring community tree standards, such as the requirement of public notice (a posted sign on the tree) for City property and street trees that are being considered for removal. In addition, the ordinance allows any citizen to appeal the removal of a City property and street tree. The ordinance also establishes a Heritage Tree program, a standing Tree Committee and Tree Fund.

2008 VALERO IMPROVEMENT PROJECT SETTLEMENT AGREEMENT

On July 10, 2008 the Valero Benicia Refining Company and the Good Neighbor Steering Committee (GNSC) entered into a settlement agreement, (hereinafter referred to as the "2008 VIP Agreement") regarding the Valero Improvement Project, whereby the City of Benicia will hold in trust a sum of 14 million dollars for environmental purposes, such as continued availability and improvement in air quality monitoring, a refinery buffer area, reduction in green house gases, and water conservation.

Included within the \$14 million is a \$700,000 commitment to fund a tree program. The signatory parties of the 2008 VIP Agreement understood the immense value trees provide the environment. With this vision to create a tree program, the City of Benicia can do more than just develop a tree program, it will implement one.

FORMATION OF STANDING TREE COMMITTEE

Immediately following the adoption of the Tree Ordinance staff moved quickly to establish the Tree Committee, a standing sub-committee of the Parks, Recreation and Cemetery Commission. The Tree Committee, consisting of three members, two Parks' Commission members and one citizen at large member with expertise and interest in arboriculture, was charged with the development of a

Did You Know

A large front yard tree can absorb 10 lbs. of air pollutants, including 4 lbs. of ozone and 3 lbs. of particulates.*

*Center for Urban Forest Research, Pacific Southwest Research Station, USDA Forest Service, Davis, California.

tree program, to include public education about proper tree care and maintenance techniques. In addition the Committee was tasked with initiating a master tree plan and heritage tree program.

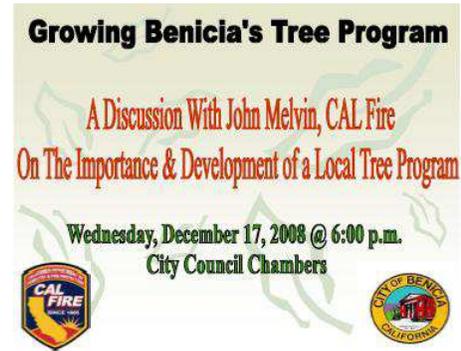
Since its inception the Committee has met nine times, meeting monthly from August 2008 to June 2009. This near year long process was necessary to establish a framework to develop a comprehensive tree program. The Committee's work resulted, among other things, the formation of an ad-hoc Tree Program Steering Group, an annual Arbor Day Event, a Tree City USA designation and Cal Fire grant application submittals.

GROWING BENICIA'S TREE PROGRAM: A DISCUSSION WITH JOHN MELVIN, CAL FIRE

In an effort to launch Benicia's Tree program into the public consciousness and establish a forum to teach the benefits of trees and the importance of developing a tree program, the City hosted a discussion with John Melvin, CAL Fire point person for urban forestry management. Sponsored by the Tree Program Steering Group, this event was advertised in the local newspaper and invitational postcards were mailed throughout the community to encourage attendance. The forum was held on Wednesday, December 17, 2008 in the City Council Chamber and recorded and rebroadcast on the local public access channel.

John Melvin stressed the value both environmentally and economically that trees provide an urban setting. The understanding that trees provide an environmental benefit is intrinsic but incomplete. "Trees are good" is understood, but *why* trees are good is an understanding that needs to be enriched. Carbon dioxide reduction, reduced energy costs, increased home values are but a few of the quantifiable benefits that trees provide, and it is these facts that must be synonymous with a community's aesthetic appreciation of trees. This was the theme of Melvin's presentation and he tasked all those in attendance to educate our community on such benefits and to develop the programs necessary to achieve such results.

Following John Melvin's presentation and motivated by his words, the Tree Program Steering Group convened their second meeting to discuss the development of a tree education program.



Flyer from Growing Benicia's Tree Program Event

TREE CITY USA

On March 14, 2009 Benicia was officially designated a Tree City USA community.

The effort to become a Tree City USA was a joint venture between the City of Benicia and The Rotary Club of Benicia. During the winter of 2006, a representative of the Benicia Rotary Club approached the City to begin the process of becoming a Tree City USA community.

Benicia had to meet four requirements in order to qualify for a Tree City USA designation:

- a tree ordinance
- tree board
- tree program with an annual budget of at least \$2 per capita
- an arbor day event with proclamation.

With the adoption of the new tree ordinance on July 1, 2008 Benicia satisfied the first requirement. Weeks later, the Tree Committee was established by the Parks, Recreation and Cemetery Commission. Current staff resources and funds from contract services from the Parks and Community Services Department budget satisfied the annual budget requirement. On October 21, 2008, Mayor Elizabeth Patterson signed a proclamation acknowledging Benicia Arbor Day and on November 1, 2008 the City of Benicia and The Rotary Club of Benicia hosted "Project Benicia Branch Out: A Tree Dedication Ceremony", which qualified Benicia for the prestigious Tree City USA designation.

Did You Know

A large front yard tree can clean 330 lbs. of CO₂ from the atmosphere through direct sequestration in the tree's wood and reduce power plant emissions due to cooling energy savings.*

*Center for Urban Forest Research, Pacific Southwest Research Station, USDA Forest Service, Davis, California.



Project Benicia Branch Out: Three Robinia ambigua trees, symbolizing the past, present and future, were planted at Eunice Jensen Park (corner of First St. and Military near the Benicia Public Library). Pictured from left to right Parks Commissioners Annie Lloyd, Nancy Cockerham, Tree Committee Chair Allison Fleck, her grandson A.J. Ferguson, Mayor Elizabeth Patterson, Rotary Club President Sue Fisher Jones, Cal Fire Staff James Scheid, City Staff Mario Giuliani

The purpose for the “Project Benicia Branch Out” event was to qualify for Tree City USA but it was also a symbolic and seminal event that culminated years of work from community members who resolved to improve our tree policies and create a tree program. The event can truly be characterized as the birth of Benicia’s tree program.

This event was made possible by the collaborative effort between the Tree Committee and The Rotary Club of Benicia which planned and funded the event that was celebrated by Mayor Elizabeth Patterson, Parks’ Commission members, City Manager Jim Erickson, Tree Committee Chair Alison Fleck, Rotary Club of Benicia President, Sue Fisher Jones, James Scheid of CAL Fire and many Benicia residents.



The Tree City USA program, sponsored by the Arbor Day Foundation in cooperation with the USDA Forest Service and the National Association of State Foresters, provides direction, technical assistance, public attention, and national recognition for urban and community forestry programs.



CAL FIRE GRANTS

One of the first tasks of the Tree Committee was the drafting and submittal of three grant applications to the California Department of Forestry and Fire Protection. The total dollar value of these grant submittals was \$105,000. In January

2009 the City learned that two grants valued at \$100,000 had achieved a high enough ranking to warrant full proposals.

City staff, with assistance from Registered Consulting Arborists Ed Brennan and Bill Pramuk, drafted full proposals for an Inventory Urban Forestry grant, valued at \$75,000 and an Education grant valued at \$25,000. The full grant application proposals, approved by the Benicia City Council with Resolution 09-18 (exhibit 5), were accepted by the California Department of Forestry and Fire Protection in February 2009. Shortly thereafter the City was notified the grant proposals satisfied all criteria and would win award pending the release of funds from the State Pooled Money Investment Board. To date, due to the financial crisis in California, that Board has continued to freeze all bond-funded obligations. Because the grant funds are tied to voter-approved bonds the money is secure but its release is unknown at this time.

BENICIA ARBOR DAY



Arbor Day Celebration in Benicia

On a brisk spring Saturday at City Park, Benicia joined over one hundred other California communities by hosting an Arbor Day event. This celebration was a community effort, sponsored by the Rotary Club of Benicia, the Kiwanis Club of Benicia, CAL Fire, and the

Did You Know

A large front yard tree can add about 1% to the sales price of the property, or about \$25 each year when annualized over a 40-year period.*

**Center for Urban Forrestr Research, Pacific Southwest Research Station, USDA Forest Service, Davis, California.*

California Native Plant Society. Also joining the event were a host of vendors including Benicia Community Arts and Allied Waste Management. Benicia Arbor Day recognized Benicia's first year as a Tree City USA community, celebrated the benefit of an urban forest and educated attendees on proper tree care and maintenance.

The day began with John Melvin from CAL Fire presenting Vice Mayor Tom Campbell and Council Member Mark Hughes with the City's Tree City USA plaque and flag. Live music filled the park as attendees participated in art projects lead by Bonnie Weidel of Benicia Community Arts, or tree tours of City Park coordinated by Alison Fleck and Ed Brennan. Jeremy Tibbets of A Plus Tree Service facilitated two pruning demonstrations, one in which one professional tree climber demonstrated the technique of trimming a large mature tree. City staff was available to advise on the City's tree policies and new programs designed to help people properly care for trees.

Sat., March 14
2009

Benicia, California
USA

TREE CITY USA®

 Celebrate Benicia's
"TREE CITY USA"
Designation *Rain or Shine*

10:00 a.m. — Booths Open
10:30 a.m. — Walking Tour of Trees
11:00 a.m. — Tree City USA
ceremony (Gazebo)
11:30 a.m. — Tree Planting &
Early Pruning
Demonstration
12:30 p.m. — Walking Tour of Trees
1:00 p.m. — Major Tree Pruning
Demonstration
2:00 p.m. — Walking Tour of Trees

Tours begin at the Gazebo
Art Projects for Kids • BBQ/Food
And more!

For information about the Tree City USA® program visit:
www.ArborDay.org

For information about the City of Benicia's Tree Program, contact
Mario Giuliani at 746-4285 or visit the Parks and Community Services page:
www.ci.benicia.ca.us

Arbor Day Program

Benicia's first Arbor Day, held on March 14, 2009, with its breadth of support from community organizations and individuals, added to the momentum to create and implement a comprehensive program dedicated to improving our urban forest. In addition, the event was a catalyst for the Benicia Tree Foundation's effort to solicit interest and membership. "Arbor Days are opportunities to celebrate and teach" said John Melvin, and such an opportunity will be a mainstay in Benicia for years to come.

»»» TREE PROGRAM PLANNING PROCESS, GOALS & STRATEGIES

Beginning on October 15, 2008 and continuing through June 2009, the Tree Committee and City staff convened a Tree Program Steering Group. This group met once a month, totaling eight meetings. The purpose of this group was to provide a public forum to solicit community input on the goals and strategies to develop and implement a tree program. This effort was made more exciting with the ratification of the 2008 VIP Agreement. The impetus to create a tree program was now more than an academic exercise, it is a credible, achievable initiative.

At the initial Steering Group meetings, held in October and November, members discussed the purpose of the group and outlined specific goals that would be vetted through the process. In addition the group established a three pronged approach to develop and implement a tree program. The bodies that make this framework consist of the Tree Committee, which is a standing sub-committee of the Parks, Recreation and Cemetery Commission, the Tree Program Steering Group, an ad hoc body that sunset in June 2009, and the creation of a 501 3(c) non-profit Benicia Tree Foundation.

The Tree Committee is charged with the implementation of the Tree Program including advancing arboriculture education and events, as well as review of the Tree Fund. The Tree Fund, which is funded through tree fees and fines proscribed in the Tree Ordinance, will remain separate and independent from the funds earmarked from the Valero/GNSC Agreement. The rationale for this decision is to ensure easier transparency in accounting.

Did You Know

A large front yard tree can add about 1% to the sales price of the property, or about \$25 each year when annualized over a 40-year period.*

*Center for Urban Forest Research, Pacific Southwest Research Station, USDA Forest Service, Davis, California.

The Development and Implementation of a Tree Program

The creation of a non-profit group is a key component of having a comprehensive tree program. It is understood that there are limits on what local government can achieve, moreover, having a non-governmental partner is key in the City's effort to educate the public, assist with private property tree planting and pruning and support efforts for federal and state grant funds. The process for the Benicia Tree Foundation to become a formal non-profit is underway and will likely be concluded by Fall 2009.

The Tree Program Steering Group was limited in its scope to develop the goals and strategies of a tree program. In addition the group also had the important responsibility and distinction of being the first public group to vet and allocate funds from the 2008 VIP Agreement, in this case the \$700,000 dollars designated for a tree program.

The Group's effort concluded in June 2009 when the program priorities and budget were finalized. The process consisted of eight public meetings held in the Benicia Public Library and the Commission Room. Five broad goals were established consisting of tree maintenance, public education, tree inventory / master plan, tree planting and public / private partnership. Each of these goals were calendared for discussion throughout the winter and spring. During those meetings City staff brought in guests with special expertise to advise the group and answer questions.

At the final meeting, on June 3, 2009, the Tree Program Steering Group reached consensus and recommend the following tree program goals, strategies and budget to be approved by the Good Neighbor Steering Committee, Valero Benicia Refinery and Benicia City Council. A detailed review of these goals, strategies and budget are discussed below.

GOAL I – PUBLIC EDUCATION

A major component of any concerted effort must include education. This goal is a pillar of Benicia's Tree Ordinance. It is strongly held that every dollar invested in education will pay exponential dividends when it comes to proper tree management. The proposed education project will educate the Benicia general public and City staff about tree care and stewardship of the urban forest

in ways that are consistent with current, professional best management practices and the City of Benicia tree ordinance.

Specific Education Objectives:

- Increased public awareness, understanding and cooperation regarding the intentions of Benicia's Tree Ordinance.
- Employment of current accepted best management practices for pruning, planting, and other aspects of tree care.
- Proper selection of tree species and cultivated varieties that are appropriate for the Benicia climate and soil.
- Public understanding of the value of a well managed urban forest.
- Public understanding of the value of City and community partnership for creating a better urban forest and a better community.

It is the goal of the education campaign to inform a large percentage of the population. Measurement of success will be drawn from frequency of change of tree removal and pruning permit applications to years prior to education campaign and assessment through bi-annual city survey.

The City of Benicia just became a Tree City USA!
We now join 150 other California cities as stewards of tree planting and tree care.

City of Benicia Tree Regulations
If you are planning on pruning or removing a tree you may need a permit. Please call the Parks and Community Services Department at 746-4285, for more information on the City's tree program and rules, you can visit the Parks and Community Services web page at the City web site at www.ci.benicia.ca.us

Tree Tip
How do I find a Certified Arborist near me?
Answer: The International Society of Arboriculture can help! To find an ISA Certified Arborist near you, please use the Find A Tree Care Service portion of the ISA Web site. You will be able to search for tree care companies in your area who employ a certified arborist. If you would like to verify if an arborist is certified you may visit the ISA Web site via <http://www.isa-arbor.com/findarborist/locatearborist.aspx> and type in the name or certification identification number to verify certification status. If you do not have access to the internet, you may contact ISA at (888) 472-8733 for assistance.

Did You Know?
One acre of trees removes up to 2.6 tons of carbon dioxide each year.

Did You Know?
The amount of oxygen produced by an acre of trees per year equals the amount consumed by 18 people annually. One tree produces nearly 260 pounds of oxygen each year.

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Benicia Activity Guide Summer 2008

Did You Know

The amount of oxygen produced by an acre of trees per year equals the amount consumed by 18 people annually.*

* Arbor Day Foundation (www.arborday.org/trees/benefits.cfm)

To achieve these objectives the Steering Group endorsed a variety of strategies.

Specific Education Strategies:

- Produce and broadcast public service announcements (commercials) to run on our public access channel and the City's web page
- Host and promote annual Arbor Day event
- Increase City staff training for ISA Arborist Certification
- Production of print materials, such as posters, newspaper advertisement, Activity Guide inserts, detailing City tree policy, tree biology, tree selection, common pests, diseases and disorders, pruning and maintenance
- Install Tree City USA signs and fly flag to promote City's status as Tree City USA
- Host tree planting and pruning demonstrations to be held for the general public
- Develop tree program for school aged children and incorporate in local schools.
- Offer arboriculture and horticulture classes in the Benicia Activity Guide

The proposed timeframe and budget for this education campaign is four years totaling \$50,000. The budget will be funded by the 2008 VIP Agreement (\$25,000) and the CAL Fire grant (\$25,000).

GOAL 2 – TREE MAINTENANCE

Leading the discussion regarding tree maintenance was City of Benicia Parks Supervisor, Theron Jones. Mr. Jones shared a sobering reality to the Group: that the City of Benicia does not have, nor ever has had, a single dollar budgeted for tree maintenance. The City's sole response to tree maintenance is acute emergency tree care, which totaled approximately \$70,000 over a two year period. Due to the lack of routine tree maintenance, Mr. Jones advised the group that the cost to initially prune the trees would be higher in order to bring them to an appropriate shape and structure. The City's Park Supervisor also displayed maps identifying all Park Department areas of responsibility.

During discussion of this goal there was thoughtful and intense conversation on the merits and feasibility of developing an internal tree division. The concept of creating such a division was universally favored; however, the feasibility of employing such was daunting. To assist the group's decision making process, City staff distributed a memo, developed by the Assistant Director of Parks and Community Services, outlining an annual budget for such a division. The annual, on-going cost for such a division was tallied at \$271,000 with an initial first year start-up cost of \$290,000. Clearly, the cost to develop such a division is presently out of reach. As a result the Group settled on dedicating funds to contract the work out to private tree companies.

Specific Maintenance Objectives:

- Employ proper punning and maintenance practices, especially with young trees
- Create and implement a Tree Management Plan
- Schedule and perform routine maintenance of city property trees

Specific Tree Maintenance Strategies:

- Issue Request for Proposals (RFP) for specific City trees/zones (i.e. First Street/City Park, City Cemetery, major streets lined with trees)
- Increase City staff training for ISA Arborist Certification

The proposed timeframe and budget for this goal is three years, \$200,000. The design of this timeframe and budget serves two ends. First, the Group was cognizant that there is presently no line item in the City budget for tree maintenance; moreover, especially in the current economic climate, it is highly unlikely that a City Council will be able to fund a new program from zero to hundreds of thousands of dollars in one budget cycle. To that end, the group built in a three-year cushion for the city council to prepare to fund a new program and limited such an allocation for tree maintenance to \$50,000. It is the hope of the Group that in fiscal year 2012-2013, the City Council will budget at least \$50,000 for ongoing tree maintenance. Secondly, in order to address the need to restore City trees to an appropriate condition an additional \$25,000 was front loaded in each of the next two fiscal years. Thus, in fiscal years 2009 - 2010 and 2010 - 2011 \$75,000 has been budget. The

Did You Know

Visual exposure to settings with trees has produced significant recovery from stress within five minutes, as indicated by changes in blood pressure and muscle tension.*

* Arbor Day Foundation (www.arborday.org/trees/benefits.cfm)

The Development and Implementation of a Tree Program

entire budget for this goal would be allocated from the 2008 VIP Agreement. It is important to note that these funds are not sufficient to meet the needs of all City trees; nevertheless, it represents a starting point to build a tree maintenance program, which at some point, in the future, will address all City trees.

GOAL 3 – TREE INVENTORY / MASTER PLAN

A tree inventory of City Trees and a Master Plan of Benicia's trees is an integral first step in the creation and development of a comprehensive tree program. Such work will be preformed by professional consultants who have training and experience in the collection and extrapolation of this type of data. The scope of this project would be bifurcated into two parts.

First, a tree inventory will include all City of Benicia trees, meaning all trees on public lands under the control of the City of Benicia. These include City parks, grounds and five landscape and lighting districts. Over 10 categories of information will be collected per tree and that information will be transferred to a City GIS compatible software, accessible by the public via the internet and easily updated by staff.

Secondly, a Master Plan, which is specifically called for in Benicia's tree ordinance, will be developed which includes the entire City with the goal of providing guidance for the City, public, private developers and property owners for the selection of street trees in the various neighborhoods and commercial corridors of Benicia.

Specific Tree Inventory / Master Plan Objectives:

- Create and implement a Tree Management Plan. The Tree Inventory is a foundation element of the Tree Management Plan. The information contained in the Tree inventory will enable City staff to pro-actively manage tree resources by anticipating maintenance needs and documenting actions taken in response to those needs.
- A Tree Inventory shall identify and record the following tree information: species name; location via GPS within three feet; health (vigor & structure); size (DBH to nearest inch); rate hardscape condition;

heritage tree location; vacant tree location; recommended action / maintenance priority; comments; and tree canopy evaluation

- Identify neighborhoods, corridors, open space and portals within the city to implement tree planting and tree management plan
- Propose a plant palette that will accentuate, provide screening, shade, balance, is suitable for the Benicia, Solano region and neighborhood characteristic and compliments and supports the Benicia Climate Action Plan
- Strengthen the sense of community through the use of street trees with respect to the opportunity and constraint areas
- Mitigate the visual impacts of signage, inconsistency in color and traffic as a result of the increase in commercial developments on the commercial corridors
- Provide visual relief for residential neighborhoods at the edge of commercial corridors
- Provide alternative tree species for existing street trees that are not performing well or which are no longer appropriate due to changes in street scale resulting from recent commercial development
- Maintain appearance of existing tree canopies in the City of Benicia

City staff will draft a Request for Proposals in search of consultants/firms with sufficient training and experience to count and record the trees identified in the scope of work. It is envisioned that said consultants will use GPS handheld device to coordinate the tree location and use appropriate mapping and computer software to illustrate the inventory results.

The primary function of the Tree Inventory / Master Plan is to gather information on the City's trees. Analysis of the information will allow resources to be directed to the most pressing needs. Communicating the results of the inventory and plan, in conjunction with educational outreach, is expected to build support in the community for continuing maintenance and enhancement of City trees.

Did You Know

Research from the University of Washington indicates that “..healthy and well-maintained trees send positive messages about the appeal of a [business] district, the quality of products and what customer service a shopper can expect.”

**Friends of the Urban Forest (<http://www.fuf.net/resources/treeBenefits.html>)*

Results of the tree inventory are expected to be a data set that includes information on tree location, species, condition, and recommended maintenance. Implementation of the recommendations is expected to result in optimal utilization of the existing tree resources, greater public safety, and the identification of underutilized planting areas.

Specific Tree Inventory / Master Plan Strategies:

- Prepare and release a request for proposals (RFP) for Tree Inventory / Master Plan, hold interviews for selected firms, award contract for work
- Incorporate findings of the Tree Inventory / Master Plan with related education, planting and maintenance goals
- Develop zoning guidelines for new development that are consistent with the results of the tree inventory / master plan

The proposed timeframe and budget for this goal is one year, \$175,000. The budget will be funded by the 2008 VIP Agreement (\$100,000) and the CAL Fire grant (\$75,000).

GOAL 4 – TREE PLANTING

As discussed earlier, tree planting by itself is not entirely a tree program, but it is a vital component. The Group understands that Benicia will be well served by planting more trees. Such action will improve our environmental health and quality of life. But such action requires careful assessment on where and how trees are planted and the responsibility to maintain them after planting. To this end, the Group has conceived of a two pronged approach to ensure that the right tree is planted in the right place.

First, prior to any major tree planting effort, the City will wait for the results of the Tree Inventory and Master Plan. That data will be vital as to the location and desired species of trees to plant. Next, the City will obtain a landscape design that details the scope and specifications of the planting area(s). With both these pieces of information the City will insure that the tree investment is appropriate and can be sustained. Also, this deliberate project-oriented approach will make Benicia eligible to apply for a tree planting grant from CAL Fire.

Specific Tree Planting Objectives:

- Plant more trees with priority given to street trees
- Plant trees consistent with the findings of the Tree Inventory and Tree Master Plan

Specific Tree Planting Strategies:

- Obtain landscape design for targeted areas for tree planting
- Implement Adopt-A-Tree Program
- Contract tree planting project to qualified firm
- Apply for CAL Fire Tree Planting grant

The proposed timeframe and budget for this goal is 2 years, \$164,000. In the first fiscal year, 2009-2010, \$10,000 has been allocated for tree planting, which will coincide with Benicia's first Arbor Week (October 11th –17th). The following fiscal year, \$4,000 has been allocated to be applied for a landscape design, followed by \$150,000 for project construction/tree planting. The \$150,000 is also envisioned to serve as match funding for a CAL Fire Tree Planting grant. The entire budget for this goal will be allocated from the 2008 VIP Agreement.

GOAL 5 – PUBLIC / PRIVATE PARTNERSHIP

The Tree Program Steering Group recognized that trees are a community resource and responsibility that goes beyond the reach and ability of City government to entirely manage. To best advance sound tree management it is necessary to have a public and private partnership. City government is limited to improving and managing public lands but, obviously, that leaves many areas of the community without a resource to address tree issues. This vacancy will be filled by the Benicia Tree Foundation.

The Benicia Tree Foundation is in its infancy and scheduled to become a registered local non-profit by late Fall 2009. This Foundation will assist with the planting and maintenance of trees on private lands; paying particular attention to those areas that have the greatest affect and impact on the overall community. In addition, the Foundation will be a financial partner with the City in the effort to obtain a landscape design for the City's tree planting project.

Did You Know

The net cooling effect of a young, healthy tree is equivalent to ten room-size air conditioners operating 20 hours a day.*

* Arbor Day Foundation (www.arborday.org/trees/benefits.cfm)

The Development and Implementation of a Tree Program

To further assist community efforts to address tree issues the Group recommends the creation of a public assistance program, managed by the City's Parks and Community Service Department. This program will mirror the Parks Department's recreation public assistance program, whereby those individuals that qualify as low income can apply for a City grant that reduces the cost of a recreation program. A similar process would be followed for residents who need assistance with tree maintenance or tree planting.

Specific Public / Private Partnership Objectives:

- Develop an independent, private, local group that can partner with the City to advance tree policy and programs
- Develop mechanisms to help private residents with financial assistance with tree issues

Specific Public / Private Partnership Strategies:

- Establish Benicia Tree Foundation
- Fund Benicia Tree Foundation
- Create public assistance program managed by City of Benicia

The proposed timeframe and budget for this goal is four years, \$211,000. The Benicia Tree Foundation will be granted a total of \$200,000 over the next four fiscal years. The City will, on July 1st of each year, make annual appropriations to the Foundation in the amount outlined in the proposed budget (see exhibit 1). The first appropriation will occur following the Foundation's registration as a recognized local non-profit. In the second year the Foundation will commit \$11,000 towards the City's effort for a landscape design.

The public assistance program has an \$11,000 budget and will run for two years, appropriating \$5,500 in each year. The entire budget for this goal will be allocated from the 2008 VIP Agreement.

PLANNING FOR THE FUTURE

The effort to advance a tree program for Benicia has not been static. City staff has worked in concert with internal colleagues and other park professionals to search for additional grant funding, both at the State and Federal level, and develop sound tree policy, including issues related to Benicia's Climate Action Plan. Also, while the Tree Program Steering Group has focused on developing a comprehensive tree program and drafting this report, the Tree Committee has been moving ahead with creating tree policy, such as drafting a Heritage Tree Nomination form and planning for Benicia Arbor Week.

BENICIA CLIMATE ACTION PLAN



The process to develop a tree program has coincidentally and conveniently run on a parallel course with the City's creation of a Climate Action Plan. Staff from the Parks and Community Services Department and Community Development Department have worked together to insure these related actions are consistent in approach and outcome.

The Benicia Climate Action Plan has established five tree related strategies all of which are incorporated within the proposed tree program.

Did You Know

Studies have shown that students' attention spans are increased when they have a view that includes trees.*

*Friends of the Urban Forest (<http://www.fuf.net/resources/treeBenefits.html>)

Climate Action Plan Strategy P-4.1 calls for the establishment of a tree maintenance program, which is one of the major goals of the proposed Tree Program. Likewise, Strategy P-4.2 recommends increasing the number of trees with the establishment of a tree planting program, this too is a major goal of the Tree Program. Strategy P-5.1 promotes a residential tree fund to assist residents with financial incentives and assistance. The Tree Program meets this strategy with the creation and funding of the Benicia Tree Foundation and the creation of the public assistance program. Strategy P-5.2 Adopt –A-Tree Program was created by the Tree Committee at their November 19, 2008 meeting and will go into effect in the Fall of 2009. The final strategy recommends the adoption of a list of drought-tolerant trees. This will occur following the completion of the Tree Inventory / Master Plan.

BENICIA ARBOR WEEK

Following Benicia's first Arbor Day event, held in March 2009, the Tree Committee debriefed and concluded that there would be added benefit to moving from a Spring date to Fall. Generally speaking, Fall is the best season to plant most trees and the third week of October was established as Benicia Arbor Week where the Parks Division will plant all our trees. In an effort to synchronize Arbor Day with Arbor Week, the Tree Committee moved Benicia Arbor Day to the third Saturday in October.

Benicia Arbor Week will also qualify Benicia for our second consecutive Tree City USA designation. This will occur when the Benicia Interact Club from Benicia High School plants a tree on Thursday, October 15, 2009.

CONCLUSION

In the quest to develop a comprehensive tree program, Benicians have achieved many milestones in the last 18 months. With the adoption and implementation of the proposed goals and strategies, Benicia will be well on its way in establishing a lasting legacy of sound tree management.



Benicia Arbor Day: Pictured from left to right: Rotary Club President Sue Fisher Jones, John Melvin, Vice Mayor Tom Campbell, and Council Member Mark Hughes.



Benicia Arbor Day: Solano County Supervisor Linda Seifert shared a laugh with Benicia Economic Development Board Chair Duane Oliveira and Benicia City Manager Jim Erickson.

RESOURCES

MODEL PROJECTS

- Mountain View Trees (www.mountainviewtrees.org Mountain View, California)
- Canopy (www.canopy.org, Palo Alto, California)
- San Francisco Friends of the Urban Forest (www.fuf.net)
- Sacramento Tree Foundation (www.sactree.com)
- City Trees (www.citytrees.org, Redwood City, California)
- Baton Rouge Green (www.batonrougegreen.com, Louisiana)
- LEAF (Local Enhancement & Appreciation of Forests (www.leaf.toronto.org, Toronto, Canada)
- City of Orlando: Green Up (www.cityoforlando.net, Florida)
- Trees New York (www.treesny.com, New York City, New York)

TECHNICAL EXPERTISE

The International Society of Arboriculture (ISA) “Trees are Good”, www.treesaregood.com

The Arbor Day Foundation, www.arborday.org has certified Benicia as a Tree City USA. The foundation provides educational materials.

California ReLeaf, www.californiareleaf.org, a nonprofit organization, whose mission is to empower grassroots efforts and build partnerships to enhance urban forests.

ACT (Alliance for Community Trees, <http://actrees.org>, a coalition of organizations working on grassroots community greening, public education and policy making. ACT is the only national organization solely focused on the needs of nonprofit and community organizations engaged in urban forest protection.

American Society of Consulting Arborists (ASCA, www.asca-consultants.org a nonprofit association of arborists.

Exhibit No. 1

Tree Report Budget

| Tree Program - FINAL BUDGET | | | Fiscal Years | | | | Total Awarded: \$700,000 | |
|---|------------------|--------------------|------------------|------------------|-----------------|-----------------|--------------------------|--------------|
| | \$ Budgeted | Grant \$ Awd. | FY 09/10 | FY 10/11 | FY 11/12 | FY 12/13 | Sub. Total | \$ Remaining |
| 1.0: Tree Maintenance | \$200,000 | | \$75,000 | \$75,000 | \$50,000 | | \$200,000 | \$0 |
| | | | | | | | \$0 | \$0 |
| | | | | | | | \$0 | \$0 |
| | | | | | | | \$0 | \$0 |
| | | | | | | | \$0 | \$0 |
| | | | | | | | \$0 | \$0 |
| | | | | | | | \$0 | \$0 |
| 2.0: Tree Inventory / Master Plan | \$100,000 | <i>~\$75,000~</i> | \$100,000 | \$0.00 | \$0.00 | \$0.00 | \$100,000 | \$0 |
| (Residue / Contingency to Tree Maintenance) | | | | | | | \$0 | \$0 |
| | | | | | | | \$0 | \$0 |
| 2.0: Tree Planting | \$164,000 | | \$10,000 | \$154,000 | \$0 | \$0 | \$164,000 | \$0 |
| Landscape Design | \$4,000 | | | \$4,000 | | | \$4,000 | \$0 |
| Construction (Potential Cal Fire Grant Match) | \$150,000 | | | \$150,000 | | | \$150,000 | \$0 |
| Arbor Week Tree Planting | \$10,000 | | \$10,000 | | | | \$10,000 | \$0 |
| | | | | | | | \$0 | |
| 4.0: Public Education | \$25,000 | <i>~\$25,000~</i> | \$10,000 | \$5,000 | \$5,000 | \$5,000 | \$25,000 | \$0 |
| | | | | | | | \$0 | \$0 |
| | | | | | | | \$0 | \$0 |
| | | | | | | | \$0 | \$0 |
| | | | | | | | \$0 | \$0 |
| 5.0 Public / Private Partnership | \$211,000 | | \$86,500 | \$48,500 | \$38,000 | \$38,000 | \$211,000 | \$0 |
| * Grant to Benicia Tree Foundation | \$200,000 | | \$70,000 | \$54,000 | \$38,000 | \$38,000 | \$200,000 | \$0 |
| Public Assistance Program | \$11,000 | | \$5,500 | \$5,500 | \$0 | \$0 | \$11,000 | \$0 |
| Grand Totals | \$700,000 | <i>~\$100,000~</i> | \$281,500 | \$282,500 | \$93,000 | \$43,000 | \$700,000 | |

* Tree Foundation to commit \$11,000 in City effort for landscape design. Will be a community group match for future CAL Fire grant match.

Exhibit No. 2

Resolution 05-76

(Supporting establishment of a comprehensive tree program)

RESOLUTION NO. 05-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SUPPORTING ESTABLISHMENT OF A COMPREHENSIVE TREE PROGRAM FOR THE CITY OF BENICIA

WHEREAS, the Benicia General Plan recognizes the importance of trees for their place in an urban setting and also their contribution to open space, community character, and environmental health, by policies and programs that bid the City to:

- Encourage preservation of existing trees and especially preserve and protect mature, healthy trees whenever practicable, particularly where such trees are of significant size or are of significant aesthetic value to the immediate vicinity or to the community as a whole (Policy 3.20.3)
- Preserve historic trees (Policy 3.1.3)
- Prepare a citywide urban design plan that addresses street trees (Program 3.7.B)
- Encourage consistent street tree planting (Policy 3.7.3)
- Provide shade trees along First Street (Program 2.12.K)
- Preserve the trees on the northern edge of former Pine Lake (Program 3.9.D)
- Focus public investment toward undergrounding utilities and planting street trees on the East Side (Policy 3.11.1)
- Strive to incorporate mature, healthy trees into proposed developments (Program 3.20.D)
- Advertise the existence of guidelines for tree preservation, planting and removal (Program 3.7.E)
- Where feasible, install and maintain landscape strips that separate sidewalks from the streets (Program 3.7.F)
- Identify areas of the City that are pedestrian-unfriendly and develop corrective plans (Program 2.20.L)
- Protect oak woodlands and riparian habitat (Policy 3.20.1)
- Restore native vegetation such as oaks (Policy 3.20.2); and

WHEREAS, trees provide urban wildlife habitat, provide scenic beauty, create privacy, minimize erosion and the threat of landslides, reduce the effect of pollution in the air, mitigate climatic problems such as summer heat and high wind velocities, calm traffic, and add value to private property; and

WHEREAS, trees require planting, maintenance, and protection in order to provide these benefits; and

WHEREAS, since trees, including heritage and specimen trees, are:

- often removed and replaced with smaller species,
- often not pruned or improperly pruned,
- often disfigured or removed to accommodate overhead utility wires
- and at times removed by necessity because of untreated diseases (such as mistletoe);

WHEREAS, unwelcome invasive trees are allowed to proliferate unchecked;

WHEREAS, for these reasons, areas in the City become bleak and/or trees become eyesores and potential public hazards, while no effective program currently exists to address these concerns.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council finds and declares that it is in the best interest of the City and its residents to establish a comprehensive tree program which will include:

1. A vision of how Benicia could look if it were to include more mature trees, holding up the example of other cities that have invested in and protected their trees;
2. Procedures and criteria that enable the City and residents to provide and ensure public safety through prudent pruning and maintenance, including removal and replacement of trees. The future ordinance shall define the criteria for protecting public safety, consistent with the goals of this tree resolution;
3. Investment in an ongoing program to place utility wires underground where they would otherwise interfere with mature and maturing trees;
4. A comprehensive street tree planting program throughout the City with the objective of providing tree-canopied streets where appropriate;
5. Coordinated use of public and private resources for the purchase, planting, trimming and removal of trees on public and private property; funding should include retrofitting city sidewalks, streets, landscape strips and medians to safely accommodate mature trees;
6. A funding strategy based on current or potential funding sources for tree planting, maintenance and technical assistance;
7. Professionally compiled lists of the most and least desirable trees for Benicia's soil, climate, water supply and character;
8. Annual notification to all property owners about the value of trees to the community, the City's tree ordinance, appropriate tree selection, planting, and pruning techniques, and other resources available to keep trees healthy;
9. Analysis of the City's current tree ordinance for any necessary revisions that are required to promote the objectives described herein; all of which to be presented to the Parks, Recreation & Cemetery Commission and then the City Council;
10. A volunteer organization that provides leadership, advice, assistance and

information to citizens and the City about tree care, local guidelines, services and training;

11. Use of the media (including the City's website and other approaches) to provide tree related information, educate and promote the City's tree care, planting and best tree choice guidelines;
12. An inventory of trees on public and private property, right of ways, etc. identifying areas of concern, as well as significant, valued and protected trees throughout the City;
13. A program that encourages preservation of trees throughout the City;
14. Standards and regulations for planting and protecting trees within construction and new tree planting areas or zones;
15. Planting of trees that will become heritage trees.

On motion of Vice Mayor **Patterson**, seconded by Council Member **Smith**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 19th day of July and adopted by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney and Mayor Messina

Noes: None

Absent: None

Steve Messina, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Exhibit No. 3

Tree Ordinance

CITY OF BENICIA

ORDINANCE NO. 08-03

AN ORDINANCE OF THE CITY OF BENICIA REPEALING AND REPLACING CHAPTER 12.24 (STREET TREES) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE RELATING TO THE REGULATION OF TREES

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

The contents of Chapter 12.24 (Street trees) of Title 12 (Streets, sidewalks, and public places) of the Benicia Municipal Code is hereby repealed in its entirety.

Section 2.

A new chapter, Chapter 12.24 (Trees and street trees) of the Benicia Municipal Code, is added to read as follows:

CHAPTER 12.24

TREES AND STREET TREES

Sections:

- 12.24.010 Purpose.
- 12.24.020 Definitions.
- 12.24.030 Protected trees.
- 12.24.040 Hazardous trees.
- 12.24.050 Heritage trees.
- 12.24.060 Heritage trees – maintenance.
- 12.24.070 Designated protected trees.
- 12.24.080 Property development.
- 12.24.090 Protection of trees on property during construction
- 12.24.100 Tree pruning.
- 12.24.110 Permitting process.
- 12.24.120 Application requirements.
- 12.24.130 Standards of application review – tree removal.
- 12.24.140 Standards of application review – tree pruning.
- 12.24.150 Appeals.
- 12.24.160 Fees.
- 12.24.170 Tree replacement and mitigation.
- 12.24.180 Penalties.

- 12.24.190 Tree fund.
- 12.24.200 Administration – tree subcommittee.

12.24.010 Purpose. The Benicia General Plan recognizes the importance of trees for their place in a natural setting and their contribution to community character and environmental health. Significant portions of the city are covered by trees, the conservation, sustainability, protection, maintenance and replanting of which is necessary for the health, safety and welfare of the citizens of the city. The city seeks to protect trees in order to provide urban wildlife habitat, preserve scenic beauty and esthetic and privacy characteristics, prevent erosion of topsoil, protect against flood hazards and the risk of landslides, counteract pollutants in the air, maintain climatic balance, decrease wind velocities, calm traffic and reduce public costs of installing and maintaining storm water drainage systems. The city has therefore determined that reasonable regulation of the removal, alteration, and planting of certain trees is necessary to promote the public health, safety and general welfare of the community.

12.24.020 Definitions. For the purpose of this chapter, the following terms shall be defined:

“Applicant” means a property owner requesting permission to remove or prune a tree at a designated site.

“Building footprint” means the two-dimensional configuration of a building’s perimeter boundaries measured on a horizontal plane at grade level.

“Certified arborist” means an individual who has demonstrated knowledge and competency by obtaining a current International Society of Arboriculture (ISA) Certification, or who is a member of the American Society of Consulting Arborists.

“Diameter” of the tree means as measured 48 inches above natural grade.

“City arborist” means a city employee that has an International Society of Arboriculture Certification and is so designated by the director of the parks and community services department.

“City property tree” means a tree maintained by the city on any property owned in fee by the City of Benicia, which includes trees within city parks, open space, lighting and landscaping districts, street median islands and along First Street (this does NOT include street trees which are listed as a separate category).

“Collar” means the ring of trunk tissue that surrounds a lateral branch at its point of attachment to the stem.

“Commission” means the parks, recreation and cemetery commission.

“Compaction” means compression of the soil structure by any means that creates an upper layer that is impermeable.

“Conditional replacement tree” means any tree that is planted on public or private property as a condition of mitigation for the removal of any tree(s).

“Construction zone access” means the area of a wooded parcel that is necessary to provide access to existing or future structures located on the parcel,

where there exists no feasible means of access that would avoid protected trees. On single-family residential parcels, the portion of the parcel deemed to be the construction zone access shall not exceed ten (10) feet in width.

“Designated protected tree” means any tree specifically designated by the city to be planted, or protected on public or private property that is subject to city commission or council discretionary development approval, such as a zoning variance, design review, or subdivision review.

“Diseased” means an abnormal condition of a tree or part that impairs normal physiological functioning, especially as a result of infection, inherent weakness, or environmental stress.

“Disturbance” means any activity that may damage trees.

“Drip line” means the line enclosing the outermost area from which water would drip from the tree. In cases where the drip line is difficult to determine, the drip line is considered the area that extends out and away from the trunk of the tree in all directions and ends at a distance measured ten (10) times the diameter of the trunk at 48 inches above grade.

“Drip line area” means the area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.

“Emergencies” means the condition in which a tree presents an immediate hazard to life or property, it may be removed without a permit on order of the city manager, or a member of the police, fire, or emergency response personnel.

“Hazardous tree” means a tree determined by the city manager, a member of the police, fire or emergency response personnel, or a certified arborist to be an immediate danger to persons or property. (Also see “potentially hazardous tree.”)

“Heritage tree” means any tree or grove of trees within the city boundaries designated by a resolution of the city council due to special qualities or significance and having met the requirements set forth in this chapter.

“Historic tree(s)” means a protected tree or group of trees, which has importance or influence in marking the history and/or events of the City of Benicia and so designated by a resolution of the city council.

“Injure or injury” means any act that damages a tree including, but not limited to: cutting; carving; transplanting; neglect; injurious attachment of any rope, wire, nails, advertising posters, or other contrivance to any tree; allowing any gaseous, liquid, or solid substance that is harmful to trees to come into contact with them; setting fire or permitting any fire to burn when such fire or the heat will injure any part of any tree; knocking over any tree; or damage inflicted upon the root system of a tree by the application of toxic substances, the operation of heavy equipment, the change of natural grade above or below the root system or around the trunk of a tree.

“ISA” means the International Society of Arboriculture.

“Maintenance” means pruning, trimming, mulching, clipping, watering, staking, spraying, propping, fertilizing, bracing, treating disease or injury, and any other acts which promote the life, growth, or health of the city's trees.

“Mitigation” means any action taken to permanently eliminate or reduce the impact on the environment or community from the loss of a tree or trees.

"Multi-trunked tree" means any tree with more than one trunk at or below 48 inches from natural grade.

"Native tree" means a tree native to Northern California, suited to conditions in Benicia.

"Nuisance tree" means a tree that is prone to excessive litter, pollen, pest infestation, is invasive, or has other habits that cause it to be a problem for people.

"Potentially hazardous tree" means a tree that has been determined to be a potential hazard if it (1) harbors a serious disease or infestation threatening the health of other trees, plants or humans; (2) interferes with safe vehicular or pedestrian circulation; or (3) is causing or is likely to cause damage to property.

"Protected tree" means a tree designated by the City of Benicia as having characteristics such as great age, size, type, species, unique form or any other quality of significance to the community.

"Protective tree fencing" means a temporary enclosure erected around a tree to protect the tree and identify the boundary of the tree protection zone (TPZ).

"Registered consulting arborist" means and includes arborists who are registered with the American Association of Consulting Arborists and who typically offer advice but do not perform tree services.

"Relocate" means to remove a tree from the place where it is growing and replant it in another location.

"Replacement value" means the actual cost of replacing the same tree size and canopy removed or destroyed or if irreplaceable, its value as determined pursuant to the "basic value" or square inch formula" in effect by the Council of Tree and Landscape Appraisers adoption, as amended from time to time, and ensuring such planting results in survival for at least three years.

"Right-of-way" means the area upon which a legal right for a public street exists either as fee ownership or as an easement.

"Single-family residence" means any detached structure designed for occupation by one family. The term "single-family residence" includes mobile home spaces designed to be used for parking a mobile home on a temporary, semi-permanent or permanent basis.

"Street tree" means and includes trees intentionally planted along streets or roadways either within the public right-of-way or within private property adjacent to the roadway to enhance the environment Street trees shall typically be within 10 ft from face of curb and shall be maintained by the adjacent property owner.

"Topping," means heading back (trimming) of the crown (top of the tree) and/or main leaders.

"Tree" means any live, woody plant with a single perennial woody stem of 4 inches diameter at 48 inches above natural grade, or a multi-stemmed perennial plant having an aggregate of 12 inches in diameter.

"Tree subcommittee" means a standing subcommittee of the Parks, Recreation and Cemeteries Commission, as set forth in 12.24.200 of this Chapter.

12.24.030 Protected trees.

A. List of protected trees. The following trees are protected by the city:

1. All city property trees over 8 inches in diameter (as measured 48 inches above soil level).
2. Street trees over 8 inches in diameter.
3. All heritage trees.
4. All designated protected trees.
5. All other trees over 12 inches in diameter.
6. California native trees – The following native species, which have a trunk diameter of 8 inches (25 inch circumference) are protected:
 - a. Blue oak (*Quercus douglasii*)
 - b. Live oak (*Quercus agrifolia*)
 - c. Valley/white oak (*Quercus lobata*)
 - d. Willow (*Salix*)
 - e. Buckeye (*Aesculus californica*)
 - f. Box elder (*Acer negundo*)
 - g. California Bay (*Umbellularia californica*)
 - h. Black walnut (*Juglans hindsii*)

B. Prohibited actions to protected trees. Pruning, cutting girdling poisoning or any other action causing or aiding the death or disfigurement of a protected tree as defined in this chapter is prohibited without a tree removal or pruning permit.

C. Exceptions to prohibited actions.

1. Emergencies. The city may take whatever action is needed to protect persons or property in the event of "emergencies" and/or "hazardous trees", as defined in section 12.24.020.
2. Fruit trees. A fruit or nut tree less than 18 inches in diameter (57 inches circumference) is not considered a protected tree, unless specifically designated by the city.

12.24.040 General requirements – public tree maintenance and hazardous tree removal.

A. City property trees. The city shall maintain city property trees.

1. Planting and maintenance. The selection, planting and maintenance of trees in all planting strips or planting easements within the city shall be in accordance with provisions of the chapter and the master tree plan.
2. Supervision. The director of parks and community services shall authorize the planting, maintenance and removal of trees in any planting strip, planting easement, public way or place in the city. In order to perform the services listed in this section, the director shall have authority to enter upon any part of the maintenance easement, and where necessary, the properties adjacent thereto. In authorizing a tree removal, the director shall prepare findings based on the factors used for tree removal permits described in section 12.24.130.

B. Potential hazardous tree removal. The city will remove or require to

be removed, at owner's expense, any trees or tree limbs that pose an immediate hazard to public safety/or property after consultation with a certified arborist. Except in such emergency circumstances, trees that are damaged or injured shall have conditions corrected if feasible, or otherwise shall be removed as soon as conditions permit in accordance with the recommendations of the city arborist.

12.24.050 Heritage trees.

A. Candidate trees for designation as heritage trees may be nominated for review and recommendation to the parks, recreation and cemetery commission. The city shall notify the property owner of the nomination. If the owner consents to the designation, the decision to nominate the tree as a heritage tree shall be submitted to the parks, recreation, and cemetery commission. Upon approval, the parks, recreation and cemetery commission will then send a recommendation to the city council. Upon resolution by the city council, after the holding of a noticed public hearing, a tree may be designated a heritage tree if it meets at least one of the following criteria:

1. Historical significance;
2. Over 30 inches in diameter measured 48 inches above the ground;
3. Unique or rare horticultural specimen;
4. Uniqueness of size or age;
5. Aesthetic value due to symmetry, form, color, or other qualities;
6. An outstanding specimen of a desirable species, especially native oak species;
7. Significance for habitat preservation, including where tree is one of a group of trees each dependant on the other for survival.

B. The city arborist shall identify each heritage tree with a tag and keep a list and map of all heritage trees.

C. Upon designation, the city shall cause a notice of heritage tree status to be recorded on the property deed at the Solano County Recorder.

D. The owner of a heritage tree shall receive a Resolution of Appreciation from the City of Benicia and may be eligible, based on availability of funding, for free consultation from a certified arborist and assistance with maintenance for the heritage tree.

E. Heritage tree designation can be removed subject to a noticed public hearing and recommendation by the parks, recreation and cemetery commission to the city council. The city council may approve the removal of a heritage tree designation upon a finding of good cause after a noticed public hearing.

F. Removal or alteration of any heritage tree on any property is prohibited without the prior issuance of a permit.

12.24.060 Heritage trees – maintenance.

A. Property owners shall be responsible for maintenance of heritage trees not in public right-of-way, consistent with the standards of this ordinance.

B. The city may assist with maintenance of heritage trees in the public right-of-way and the costs associated with such maintenance based on availability of funds in the tree fund and the recommendation of the tree subcommittee. Maintenance may include but not be limited to: pruning for tree health, structure, form and for public safety; spraying for pathogens and insects; fertilizing; and managing the root zone for health and vigor.

12.24.070 Designated protected trees.

A. Any tree identified by either a city commission or the city council to be planted or preserved as a specific condition of approval for a project, such as a zoning variance, design review, or subdivision review, is a designated protected tree and may not be removed without a permit.

B. Each designated protected tree that is planted or preserved shall be identified as follows:

1. In the conditions of approval or findings and on the approved plans associated with the action;

2. In the case of new development applications, with a metal tag placed on the tree at the expense of the property owner/applicant, that identified it as a designated protected tree;

3. In the case of new subdivisions, on the parcel map and in the deeds to be recorded for transfer to future property owners.

4. The community development department shall maintain a master list of designated trees and shall share said list with the parks and community services department.

C. A performance bond guaranteeing the health of a designated protected tree for a period of three years following the final occupancy or approval of the project shall be required as a condition of approval of any project involving designated protected tree(s).

12.24.080 Property development.

A. Any application for a proposed project or other action requiring city planning commission, historic preservation review commission, or council review shall be accompanied by a statement signed by the property owner or authorized agent that discloses whether any protected trees exist on the property, and describing each such tree, its species, size (diameter, canopy, drip line area, height) and location, or including such information on plans submitted in connection with a development application.

B. The community development director may require submittal of supplemental information including photographs.

C. A site sketch shall be submitted with the development application. The sketch shall show the location, diameter at 48" above natural grade, species (if known) and canopy extent of all trees on the subject property where the canopy or drip line is within 20 feet of the area to be occupied, utilized, or disturbed by the project.

D. Disclosure of information pursuant to this section shall not be required when the development for which the approval or permit is sought does

not involve any change in building footprint nor any grading, trenching or paving.

E. The community development director may require, based on the significance of any protected tree(s) and potential impact on them, that a supplemental tree survey be prepared by a certified or registered consulting arborist.

F. A city arborist, shall determine in writing (a) all trees that could potentially be affected by the project (directly or indirectly – immediately or in the long term), such as from upslope grading or compaction outside of the drip line; and (b) which trees are required to be preserved. This determination shall be made part of the staff report to the city reviewing body upon its consideration of the application for development, consistent with section 12.24.130.

G. Tree preservation report. If construction is proposed within the drip line of any protected tree, the community development director may require the applicant to provide a tree preservation report prepared by a certified or registered consulting arborist. The report, based on the tree survey and other relevant information shall include specific precautions necessary for preservation of those trees during all phases of development (demolition, grading, during construction, landscaping). The tree preservation report shall stipulate a required tree protection zone (TPZ) for trees to be retained, including street trees, protected trees and trees whose canopies are hanging over the project site from adjacent properties. The TPZ shall be fenced as specified in section 12.24.90. The final approved tree preservation report shall be included in the building permit set of development plans and referenced on all relevant documentation (civil, demolition, utility, landscape, irrigation) where tree impacts from improvements may occur.

12.24.90 Protection of trees on property during construction.

A. Protective fencing shall be provided for all protected trees in conjunction with property development and construction projects, at the perimeter of the drip line, or as otherwise specified in the tree preservation report, arborist report, or as determined by the community development director.

B. Protective tree fencing shall meet the following specifications:

1. Size and materials: Based on the recommendation of the city arborist, one of three types of protective fencing may be specified:

a. Orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with 2-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.

b. Four-foot high orange plastic fencing mounted on steel T posts spaced at intervals of no more than 10 feet.

c. Five or six foot high chain link fencing, mounted on two inch diameter galvanized steel posts driven into the ground to a depth of a least 2 feet at no more than 10 feet spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.

2. Duration of fencing. Fencing shall be erected before

demolition, grading or construction begins and remain in place until final landscaping is installed. Contractor shall obtain the city arborist approval prior to removing a tree protection fence.

C. All development requiring city commission or council review shall comply with the following precautions:

1. Prior to the commencement of construction, install the fence at the drip line, or TPZ when specified by the city arborist, around any tree to be retained that could be affected by the construction, and prohibit any storage of construction materials or other materials or vehicles inside the fence. The drip line shall not be altered in any way so as to increase the encroachment of the construction.

2. Submit for city arborist review verification that all pre-construction conditions have been met (tree fencing, erosion control, pruning, etc.) and are in place. An initial inspection of protective fencing and written verification must be submitted to the city arborist prior to demolition, grading or building permit issuance.

3. Prohibit excavation, grading, drainage and leveling within the drip line of the tree unless approved by the director.

4. Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the decline of or in drainage channels, swathes or areas that may lead to the drip line of a protected tree.

5. Prohibit the attachment of wires, signs, or ropes to any protected tree.

6. Design utility services and irrigation lines to be located outside of the drip line when feasible (unless the irrigation line is specifically required for the tree)

7. Retain the services of the certified or registered consulting arborist for periodic monitoring of the project site and the health of those trees to be preserved. The certified or consulting arborist shall be present whenever activities occur that pose a potential threat to the health of the trees to be preserved.

8. A city arborist shall be notified if any damage occurs to a protected tree during construction so that proper treatment may be administered.

9. A performance bond guaranteeing the health of any protected tree during construction of the project shall be required as a condition of approval.

12.24.100 Tree Pruning.

A. Applicability. Pruning any branch, root or limb of a diameter greater than three (3) inches of any of the following listed protected trees requires a permit pursuant to this chapter:

1. Street tree;
2. Heritage tree; or
3. Designated protected tree

B. Standards. All pruning of street trees and designated protected trees, including by utility companies, shall be:

1. Performed only when it enhances a tree's structural strength, health or form, for safety reasons or for utility service.

2. Consistent with the current edition of Best Management Practices Tree Pruning established by the International Society of Arboriculture (ISA), and any special conditions as determined by the parks and community services director.

C. Heritage trees. All pruning of Heritage trees shall be supervised by a certified arborist or registered consulting arborist.

D. New development. All protected trees to be retained as part of a new development project shall be cleared of dead wood of a diameter greater than one inch and treated for insects or diseases. For any development that requires a tree preservation report, a certified or registered consulting arborist shall oversee pruning, cabling, fertilizing, and/or any other activities to protect trees on-site.

E. Topping, as defined in section 12.24.020 of any protected tree is prohibited.

F. Pruning by utility companies.

1. All utility companies must contact the parks and community services department at least three working days (except in emergencies) prior to taking any action to prune any tree or trees related to line clearance, and to obtain a tree removal or pruning permit as required by this ordinance.

2. Pruning for clearance of utility lines and energized conductors shall be performed in compliance with the current version of the American National Standards Institute (ANSI) A300 (Part I) Pruning, Section 0.0 Utility Pruning. Using spikes or gaffs when pruning is prohibited. Such pruning may be inspected by a city arborist to ensure that proper pruning practices are followed. The parks and community services director shall have the authority to stop any tree pruning performed by a utility if such pruning practices are not being followed, or if the city has not been properly notified of the work.

3. Any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of protected trees shall obtain permission from the parks and community services director before performing any work, including pruning, that may cause injury to a protected tree (e.g., cable TV, fiber optic trenching, gas, water, sewer trench, etc).

12.24.110 Permitting process.

A. City department responsibilities. The parks and community services director shall have overall responsibility for the implementation of this chapter. The parks and community services director, city arborist, or their designee shall review and issue tree removal and pruning permits. The community development director or designee shall review all tree protection conditions related to actions requiring city planning commission, historic preservation review commission or council approval, in consultation with a city arborist, and make recommendations to the decision-making bodies.

B. All work performed on street trees, pursuant to a permit issued under this chapter shall be done within a six-month period from the issuance of

said permit or within the period specified by the permitting authority.

C. The permitting authority shall make findings consistent with the purposes and intent of this chapter and may place conditions on any permit granted under this section that the permitting authority determines to be necessary.

D. When requested, the tree subcommittee shall provide recommendations to the community development department or city council on tree removal permit or tree planting issues.

12.24.120 Application requirements.

A. Basic information. Application for a permit to remove or prune a protected tree shall be obtained from the parks and community services department, except when such activity is proposed in conjunction with an action requiring historic preservation review commission or planning commission review, in which case the proposed removal or pruning shall be combined with the associated development application to the community development department. The application shall:

1. Identify the property by street address and assessor's parcel number on which the tree is located.
2. Inventory and locate all protected trees on the subject property.
3. Describe the location of the tree with reasonable accuracy to facilitate easy identification.
4. State the species of the tree, the approximate height of the tree, and the diameter of the trunk measured at 48 inches above the natural grade.
5. Furnish a statement of the reason for the request.
6. Include the signature of property owner granting permission.

B. Additional information that may be required by a city arborist includes:

1. A perimeter outline of any existing or proposed buildings on the property, and trees on the property.
2. A report by a certified or registered consulting arborist stating: (1) Any reasons for alteration or removal related to the health of a tree; and/or (2) If grading, trenching or filling is proposed under the drip line of an existing tree; and/or (3) If the action involves multiple trees.

C. Public notice. Within 24 hours following application for a tree removal permit for a protected city property tree or a street tree, the applicant shall place, in the most visible location at each tree to be removed, a public notice sign to be provided by the city stating the following:

"This tree is proposed to be removed. Removal may occur seven (7) days from (date of posting). Contact City of Benicia at 746-4285 for more information."

The notice sign shall be no smaller than 11" by 17" with the largest feasible type, and shall be laminated for weather resistance. The sign shall remain posted for seven days from date of posting. Persons who call to comment shall be informed

of their right to appeal pursuant to section 12.24.150.

D. The parks and community services department shall maintain a list of current tree removal permit applications and make it available to the public upon request.

E. Responsibility for costs. The cost of providing reports and information shall be the responsibility of the applicant.

12.24.130 Standards of application review - tree removal.

A. When considering an application to remove a tree or trees which are protected by this chapter, the parks and community services director will consider various criteria designed to preserve trees. Such criteria include:

1. The proximity and number of other trees in the vicinity.
2. General Plan open space or other city open space plans and policies.
3. The arborist report of the tree's health and structure.
4. Topography, soil conditions and erosion potential.
5. Potential or actual damage to public utilities or streets and sidewalks.
6. If the tree is in danger of falling or is determined to be a fire hazard.
7. Potential or actual damage to private improvements such as building foundation, walls, patios, decks, roofs, retaining walls, etc.
8. The impact on reasonable development of the property or the ability to reasonably accommodate development on another area of the lot.
9. The impact of tree removal on the ability of other protected trees in the vicinity to survive.
10. The value of the tree to the neighborhood in terms of visual effect, wind screening, privacy and/or support of neighboring vegetation.
11. The availability of reasonable measures to correct the condition(s) of the tree, giving rise to the permit application.

B. Based on the above criteria the parks and community services director shall create specific tree preservation standards to be used to determine whether to grant a removal permit of a protected tree. The parks, recreation and cemetery commission shall then adopt said tree preservation standards of review.

C. Trees on the private property of single family residences, that are not heritage trees or street trees, shall be per se authorized for removal, provided that a completed permit application with fee is received by the parks and community services department. In all instances, city staff will advise applicants on alternatives to tree removal.

D. An applicant may appeal the decision of the city arborist, as set forth in chapter 1.44. The appellant body shall use the same standard of review as the city arborist.

12.24.140 Standards of application review – tree pruning.

A. A city certified arborist shall perform the application review. A tree pruning permit shall be approved, so long as the pruning meets the standards identified in section 12.24.100.

B. An applicant may appeal the decision of the city arborist, as discussed in section 12.24.150. The appellant body shall use the same standard of review as the city arborist.

12.24.150 Appeals.

A. Any permit applicant may appeal a permit decision of city staff within ten (10) calendar days of notification of denial.

B. Any citizen may appeal the city staff's decision to remove or permit removal of a protected city property tree or street tree within seven (7) days from the first day of posting the notice required under section 12.24.120.C.

C. The appeal shall be submitted in writing accompanied by the applicable fee and demonstrate one or more of the following:

1. The permit action does not conform to the purpose and intent of this chapter.

2. The permit action is arbitrary and capricious.

3. The permit action creates such a hardship that a reasonable person is unable to continue to use or enjoy property affected by the permit action.

D. The appeal shall adhere to the provisions of chapter 1.44 of the Benicia Municipal Code.

E. The parks, recreation and cemetery commission shall sustain or deny the appeal or modify the permit based on the commission's findings on the above criteria. The commission's decision shall be final.

12.24.160 Fees. Fees for permit applications and tree removal replacement or mitigation shall be set by resolution of the city council. The rate for such fees shall be that which is in effect at the time of the tree removal application. Notwithstanding this provision, a tree replacement fee can be waived for permits regarding hazardous and or harmful tree(s).

In addition to an administrative processing fee, a tree replacement and/or mitigation fee shall be charged if a tree is permitted to be removed. Notwithstanding this provision, a tree replacement fee can be waived for permits regarding hazardous and harmful trees.

12.24.170 Tree replacement and mitigation. Any tree removed under a permit shall be required to be replaced or mitigated in conformance with the following standards:

A. Any applicant whose tree has been authorized for removal shall be required to pay the applicable fee as a condition to final approval for tree removal. Fees collected for tree replacement and/or mitigation shall be placed in the tree fund.

B. In some situations, in accordance with section 12.24.130, the city

arborists may condition the removal of a tree with replacement of a new tree.

C. In case of a tree removal permit pursuant to property development as addressed in 12.24.080 of this chapter, the tree replacement requirement shall be the replacement value of the mature tree, as defined in 12.24.020 of this chapter.

D. The parks and community services director has discretion to reduce replacement or mitigation requirements.

12.24.180 Penalties.

A. Violation of this chapter shall be subject to chapter 1.08 of the Benicia Municipal Code.

B. A violator shall be liable for all costs associated with the investigation and enforcement of this chapter by the city. In addition, a violator may be required to pay a fee equaling the value of the tree removed or damaged, as evaluated by the formula developed by the International Society of Arboriculture. The remedies set forth in this Section shall be considered alternative, and shall be deemed in addition to any other remedies available to the city in law or equity.

12.24.190 Tree Fund. There is established a "tree fund" for the purpose of undertaking tree maintenance and planting within city boundaries.

A. Funds may be used to make grants to individuals with a demonstrated financial hardship, to nongovernmental organizations or governmental organizations dedicated to urban forest improvement or otherwise spent to plant and maintain trees in the city.

B. The parks and community services director shall submit an annual report and budget to the city council on the amount of fees collected, and the manner and nature of the expenditure of the fees.

C. The fund shall be administered on an annual basis by the parks and community services director in consultation with the tree subcommittee of the parks, recreation and cemetery commission and with approval of the city council.

12.24.200 Administration – tree subcommittee.

A. Tree subcommittee of the parks, recreation and cemeteries commission shall be established, consisting of three members, two of which shall be from the parks, recreation and cemetery commission and one member shall be a Benicia citizen demonstrating an interest in and knowledge about trees and landscaping. The Benicia citizen shall be nominated by any parks, recreation and cemetery commission member and shall be appointed by majority vote of the parks, recreation and cemetery commission.

B. The subcommittee shall be responsible for developing an information, education, and support program to assist home, business, and other property owners, as well as city staff and its representatives understand the benefits of trees, take proper care of trees, and plant trees of the appropriate species in appropriate locations.

C. The subcommittee, with the assistance of the director of parks and community services, and based on availability of funding for the purpose, shall initiate a city-wide heritage tree inventory and create a master tree plan recommending to the council a comprehensive plan of street trees for all streets of the city where planting areas are available and provided for trees. The plan may be reviewed and revisions recommended from time to time by the tree subcommittee to be forwarded for review and approval to the parks, recreation and cemeteries commission, and ultimately to the city council. In accordance with the plan, the director shall proceed each year to plant or replace trees to the extent that funds are appropriated for that purpose by the city council.

D. The subcommittee, with the assistance of the director of parks and community services, shall determine criteria for selection of street and park trees, selection of trees for private property, and shall develop a recommended tree list for the city, to be forwarded for review and approval to the parks, recreation and cemeteries commission, and ultimately to the city council.

E. The subcommittee shall, on an annual basis, report to the parks, recreation and cemetery commission on of the progress of their work.

F. The parks, recreation and cemeteries commission is responsible for oversight of the tree fund, based on the recommendations of the tree subcommittee.

Section 3.

Section 17.70.190 is hereby repealed in its entirety.

Section 4.

Supremacy. In the event of a conflict with another section of the Benicia Municipal Code, this ordinance shall prevail.

Section 5.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The city council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member **Hughes**, seconded by Vice Mayor **Campbell**, the foregoing ordinance was introduced at a regular meeting of the City Council on the 17th day of June, 2008 and adopted at a regular meeting of the Council held on the 1st day of July, 2008, by the following vote:

Ayes: **Council Members Campbell, Hughes, Schwartzman and Mayor Patterson**

Noes: **Council Member Ioakimedes**

Absent: **None**

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

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Exhibit No. 4
Mayor's Proclamation
(Observance of Benicia Arbor Day)



PROCLAMATION

DECLARATION OF THE OBSERVANCE OF BENICIA ARBOR DAY AND AN ARBOR DAY EVENT ON MARCH 14, 2009 WITH A TREE CITY USA QUALIFICATION EVENT ON NOVEMBER 1, 2008

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the holiday called Arbor Day was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed at various times of the year throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil due to wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, reduce greenhouse gas emissions, and provide for wildlife; and

WHEREAS, trees are a renewable resource giving us paper products and wood for homes and businesses; and

WHEREAS, trees beautify our community, increase property values, enhance the economic vitality of the businesses areas; and

WHEREAS, trees, where properly planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor, on behalf of the City of Benicia, do hereby proclaim Saturday, March 14, 2009 Benicia Arbor Day.


Elizabeth Patterson, Mayor
October 21, 2008



Exhibit No. 5
Resolution for Cal Fire Grant

RESOLUTION NO. 09-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA FOR FUNDING FROM THE URBAN FORESTRY GRANT PROGRAM ENTITLED, "AN URBAN FOREST FOR EVERY CITY," AS PROVIDED THROUGH PROPOSITIONS 40 AND 84

WHEREAS, the Governor of the State of California in cooperation with the California State Legislature has enacted Propositions 40 and 84, which provide funds to the State of California and its political subdivisions for urban forestry programs; and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by local agencies and non-profit organizations under the program; and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the applicant to certify by resolution the approval of applications before submission of said applications to the State; and

WHEREAS, the applicant will enter into agreements with the State of California to carry out urban forestry projects.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia hereby approve the filing of two applications for "PROPOSITION 40 and 84" urban forestry grant program funds.

BE IT FURTHER RESOLVED that the City Council of the City of Benicia hereby certifies that said applicant has or will have sufficient funds to operate and maintain the project.

BE IT FURTHER RESOLVED that the City Council of the City certifies that funds under the jurisdiction of City of Benicia are available to begin the project; and

BE IT FURTHER RESOLVED that the City Council of the City of Benicia certifies that said applicant will expend grant funds prior to March 31, 2011.

BE IT FURTHER RESOLVED that the City Council of the City of Benicia appoints the Director of Parks and Community Services as agent of the City Council of the City of Benicia to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of February, 2009 and adopted by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson

Noes: None

Absent: None



Elizabeth Patterson, Mayor

ATTEST:



Lisa Wolfe, City Clerk