

BYLAWS OF THE LANCASTER CITY SHADE TREE COMMISSION

Article I. Name of Commission:

The name of this organization shall be "Lancaster City Shade Tree Commission" (hereinafter referred to as "Shade Tree Commission" or "Commission").

Article II. Authorization:

The "Pennsylvania Third Class Cities Code, Act of June 23, 1931, P.L. 932, No. 317, reenacted and amended June 28, 1951, P.L. 662, No. 164", as amended (hereinafter referred to as "Third Class Cities Code" empowers Third Class Cities to provide for the establishment of shade tree commissions. In conformance with the above amended act, Ordinance No. 27-1968, adopted on December 19, 1968, by the City Council of the City of Lancaster, Pennsylvania, created and makes provisions for a Shade Tree Commission for the City of Lancaster, Pennsylvania. The powers and duties of the Shade Tree Commission are set forth in Chapter 22, Article III, of the Code of the City of Lancaster, attached hereto and marked Appendix A.

Article III. Membership:

Section 1. The Shade Tree Commission shall consist five (5) members, who shall be residents of the City of Lancaster, Pennsylvania, and who shall serve without compensation. However, costs for training or local travel shall be compensated by the City if prior approval has been granted by the Director of Public Works or designee.

Section 2. All members of the Commission shall be appointed by the Mayor and with the consent of the Lancaster City Council. There shall be no limitation upon the number of terms a member may serve.

Section 3. Such Commissioners shall be appointed for terms of three, four and five (3, 4 or 5) years, respectively, on a Commission of only three (3) residents. If the Commission consists of more than three (3) members, the time sequence provided for a three (3) member commission shall be repeated. On the expiration of the term of any Commissioner, a successor shall be appointed to serve for five (5) years. The Commission shall notify the Mayor promptly of any vacancies which occur. Whenever vacancies occur, other than as a result of expiration of a member's term, the Mayor shall fill such a vacancy by appointment (with the approval of the City Council), but initially only for the period of the unexpired term. A majority of the members shall have direct experience in forestry, horticulture, landscape architecture, planning, zoning, environmental science, arboriculture, or related fields.

Section 4. Removal of Members:

- A. Any Commission member may be removed for misconduct or wrongdoing, unlawful execution of these By-laws and the Trees Ordinance, Chapter 273 of the Code of the City of Lancaster, or failure to perform his or her responsibilities pursuant to these By-laws and the Trees Ordinance, Chapter 273 of the Code of the City of Lancaster, or for other just cause by a majority vote of the City Council, taken after such member has received fifteen (15) days advance notice of the intent to take a vote. A hearing in executive session shall be held in connection with the vote if the member shall request it in writing, at which hearing the member shall have the opportunity to defend himself or herself against any alleged infractions of this Ordinance Any appointment to fill a vacancy created by removal shall initially be only for the unexpired term.
- B. Each member may miss no more than one third (1/3) of the regularly scheduled or special meetings per calendar year nor more than three (3) consecutive regularly scheduled meetings. The Chairperson shall inform the Mayor and City Council in writing if any Commission member is in violation of this subsection of the bylaws. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position..

Section 5. Each member shall attend at least one workshop, internet presentation, or training session annually, as offered by relevant local, state, or national organizations.

Section 6. The City Arborist and the Director of Public Works or his/her designee shall be ex-officio members of the Commission, without vote.

Article IV. Election of Officers:

Section 1. Election of Officers. The Commission shall elect from its own membership a Chairperson. Nominations for Chairperson shall be made from the floor at the Annual Reorganization Meeting in January with the election of officers immediately following New Business as outlined in the Order of Business.

Section 2. Voting for Officers. Each member of the Commission shall be entitled to one vote. A candidate receiving a majority vote of the entire membership in attendance at the Annual Reorganization Meeting shall be declared elected, and shall serve for a period of one (1) year or until a successor shall take office, but not to exceed eighteen (18) calendar months.

Section 3. Term of Office. Elected officers shall serve annual terms and may succeed themselves.

Section 4. Removal of Officers. An elected officer may be removed from office by a majority vote of the Commission membership present at a meeting during which this matter is listed as a part of the printed Agenda.

Article V. Duties of Commission and Staff:

Section 1. Duties of Officers. The Chairperson shall conduct all meetings. As necessary, he or she shall establish committees from among the members of the Commission. In the absence of the Chairperson, the members present shall appoint one of those present to fulfill these duties.

Section 2. Duties of the Commission Members. Commission members shall be responsible for the review and recommendation of those matters presented to the Commission by the City Administration and City Arborist. The Arborist and the Department of Public Works shall be responsible for the enforcement of the City's Tree Ordinance and other regulations assigned by the Administration.

Commission members shall fulfill those powers and duties as outlined in these By-laws, Chapter 22, Article III, and Chapter 273 of the Code of the City of Lancaster, and in the Third Class Cities Code.

Section 3. City Arborist and Director of Public Works.

- A. The City Arborist or designee shall keep the Official Minutes/Records of the Commission, prepare the Agenda for regular and special meetings, arrange for notices of meetings and hearings pertaining to Commission business and attend to the correspondence of the Commission.
- B. The City Arborist or the Director of Public Works or designee shall also tend to other matters for which the Commission is responsible, as outlined herein or which, from time to time, may be requested by the Commission.

Article VI. Principal Office and Meeting Location:

The principal office of the Commission and the location of meetings shall be in City Hall, 120 North Duke Street, Lancaster, Pennsylvania..

Article VII. Meetings:

Section 1. Annual Reorganization Meeting. The Commission shall hold an Annual Reorganization Meeting in January of each year for the purpose of electing officers for the ensuing year and for transacting regular business. The Commission shall also review activities of the preceding year and consider future issues and work programs.

Section 2. Regular Meetings. The Commission shall meet monthly at such times and places as it deems proper and shall keep regular minutes of its proceedings. A schedule, including the time and place, of the regularly scheduled monthly meetings for the upcoming year shall be published in one (1) newspaper of general circulation once each calendar year, in accordance with the Pennsylvania Sunshine Act, Act of October 15, 1998, P.L. 729, 65 Pa.C.S.A. § 701 et seq.

Section 3. Special Meetings. When deemed necessary, special meetings of the Commission may be called by the Chairperson, or in the absence of the Chairperson, by the person acting in such capacity. Written notice of any special meeting shall be given to each member of the Commission at least three (3) days

prior to the day named for said special meeting. Special meetings shall be called by the Chairperson at the written request of two (2) or more members of the Commission as per the requirements contained herein, including the "Sunshine Law." All special meetings shall be advertised in accordance with the meeting publication requirements in Section 2 herein.

Article VIII. Conduct of Meetings:

Section 1. The Agenda of a regularly scheduled meeting shall be prepared by the Arborist. Requests for the inclusion of items on the Agenda shall not be accepted for the forthcoming regular meeting less than fourteen (14) calendar days prior to the meeting. The Commission will take action, except in special circumstances, only on items on the Agenda. A matter will be deemed a special circumstance if at least a majority of Commission members approve a motion to add an item to the Agenda.

In the case of complex plans, it shall be the responsibility of the owner to provide copies of plans to the STC members for their use in examining the site.

Upon receipt of a plan or request, the STC shall make its decision within 45 calendar days following the first meeting at which the item was on the agenda.

When possible, the STC will endeavor to make a decision at the first meeting when the plans are presented. The STC must reserve the right to defer a decision to the next monthly meeting in order to examine the site based on the presentation given by the proposer. Thus, it is to the proposer's advantage to provide as much information to the STC as early as possible.

If the STC's discussions of a request or plan require further submissions from the proposer, then the STC will endeavor to make a decision at the next meeting after receipt of the additional material.

Section 2. The Order of Business at Regular Meetings shall be:

- A. Call to Order
- B. Approval of Minutes of Previous Meeting
- C. Old Business
- D. New Business
- E. Public Participation
- F. Adjournment

Section 3. The number of Commission members required to convene an official meeting, or a quorum, shall be a majority of the number of members currently serving. If the Chairperson is absent from a meeting, the remaining attendees shall elect a chair to conduct that meeting only.

Section 4. All meetings or portions of meetings at which official action is taken shall be open to the general public as per the requirements of the "Sunshine Law," except that, executive sessions of the Shade Tree Commission may be closed to the public.

Section 5. Voting shall normally be by voice vote or, upon request by a Commission member or City staff, a roll call vote or show of hands may be required. In the event

of a tie vote, the motion shall be considered defeated. A record of the vote shall be kept as part of the Minutes. Abstentions must be called to the attention of the Chairperson at the time of the vote, and the member abstaining shall state his or her reason for abstaining.

Section 6. Any Commission member who would be required to vote on any action that would be a conflict of interest in accordance with the Pennsylvania Public Official and Employee Ethics Law, Act 93 of 1998, Chapter 11, 65 Pa.C.S. § 1101 *et seq.*, shall abstain from participating in the deliberation and voting and, prior to the vote being taken, publicly announce and disclose the nature of his or her interest as a public record in a written memorandum filed with the City Arborist. Such conflicts shall include but are not limited to financial consideration. Any deviation from this procedure shall be in accordance with Subsection (i) of the Restricted Activities Section of the Ethics Law Guide, attached hereto and marked Appendix B. An exception to this requirement for abstention is that if a quorum is not present once the person with the conflict recuses him/herself, she/he is permitted to vote as long as the conflict is properly disclosed.

Section 7. Unless otherwise specified, "Robert's Rules of Order" shall govern the proceedings at Commission meetings.

Article IX. Responsibilities of Commission

Section 1. Notification that Work is to be Performed. Whenever the Commission proposes to plant, transplant, trim, treat or remove shade trees, notice that such work is to be considered shall be given in at least one (1) newspaper of general circulation within the City once each week for two (2) consecutive weeks immediately preceding the time of the meeting, as provided by law. Such notice shall specify in detail the street(s) or other public area(s) or portions thereof upon which trees are proposed to be so planted, transplanted or removed. Any property owners directly affected by such planting, transplanting or removal shall be notified by mail, flyer or other direct method of such meeting at least one (1) week prior to the meeting.

Section 2. The Shade Tree Commission shall perform the duties and have the powers prescribed by the Third Class City Code, by Chapter 273, Code of the City of Lancaster, and by any other ordinances adopted by City Council.

Section 3. The Commission shall have the following responsibilities:

- A. The Commission shall advise the Director of the Department of Public Works and the Arborist on the planting, maintenance and removal of trees. Such advice may include but not limited to:
- (1) Recommendations of tree species for public areas,
 - (2) Recommendations for controlling diseases and pests damaging trees,
 - (3) Recommendations for tree maintenance,
 - (4) Recommendations for a public education/information program concerning the importance and care of trees;

(5) Recommendations on rules and regulations regarding tree planting, maintenance, protection, and removals.

- B. The Commission, through the Department of Public Works, shall prepare (or amend from time-to-time if one exists) for Council's approval a Tree Management Plan for street and shade trees in the City. The plan should include an inventory of existing trees (including species, condition, and location). The plan should also include suggested policies for the planting of trees (including suitable species for various environments and spacing of trees). The Plan may also identify locations for new plantings, desirable species changes, tree canopy goals, and etc.

In developing the plan, the Commission should consult with the Director of the Department of Public Works and Arborist and may consult with other City Authorities, Boards and Commissions, and outside consultants. The Plan should recognize the benefits of a public tree program and the need to control the public and private expenses of planting, maintenance, removals, clean-up and all other costs associated with a tree program. The Commission shall review the Plan annually and/or at other times, at the request of the Director of the Department of Public Works.

- C. The Commission may, with the approval of Council, solicit and accept grants and contributions on behalf of the City. All funds obtained by the Commission shall be expended for the specific purpose(s) or under the stipulations set by the contributor or the Commission with specific approval of Council.
- D. In accordance with chapter §273-16 of the City Trees Ordinance, the Commission shall hear appeals by property owners of notification by the Public Works Director, or her/his designee, to eliminate trees of potential risk on private property.
- E. The Commission shall, at the request of the Arborist, review land development, zoning, parking lot, and other plans to determine the impact of such plans on public trees and to make recommendations on steps needed to mitigate said impacts. The Arborist is required to seek such Commission review.
- F. The Commission shall have the power to approve the removal and/or planting of street trees within the public right-of-way as provided in Ch.273 of the Code of the City of Lancaster.
- G. The Commission may make recommendations and suggestions to the Public Works Director for revisions and amendments to city codes and ordinances as related to trees.

Article X. Amendments:

Commission members may make and alter Bylaws, and rules and regulations to govern its procedures consistent with the ordinances of the municipality and the laws of the Commonwealth. To amend the Bylaws, thirty (30) days' notice shall be given to each member of the Commission unless this requirement is waived by the Commission. Amendments to the Bylaws shall require approval of a two-thirds majority of members present at the meeting.