

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH, TEXAS AUTHORIZING THE ESTABLISHMENT OF A TREE MITIGATION FUND AND THE CREATION OF AN OAK WILT PROGRAM.

WHEREAS, the City may collect fees paid by development and re-development projects for the removal of trees through the Fee-In-Lieu of Mitigation fee schedule; and,

WHEREAS, the City may reserve such fees, through the establishment of a Tree Mitigation Fund, for specific purposes including, but not limited to, tree and landscaping, oak wilt treatment, city-hosted events, and other city projects or programs; and,

WHEREAS, on April 4, 2024, City Council held a workshop discussing the establishment of a Tree Mitigation Fund and the creation of an Oak Wilt Program; and,

WHEREAS, funds from the Tree Mitigation Fund may be annually allocated to the Oak Wilt Program to incentivize and aid in oak wilt management throughout the city limits; and,

WHEREAS, the City Council deems it appropriate to establish a Tree Mitigation Fund and create an Oak Wilt Program.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS THAT:

- Section 1.** The City Council hereby establishes a Tree Mitigation Fund (Exhibit A) where said funds are reserved.
- Section 2.** The City Council hereby creates the City of Fair Oaks Ranch Oak Wilt Program (Exhibit B) and authorizes the expenditure of the program funds.
- Section 3.** The City Council may allocate funds from the Tree Mitigation Fund to the Oak Wilt Program and other authorized uses subject to the availability of funds.
- Section 4.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 5.** All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provision of this resolution shall be and remain controlling as to the matters resolved herein.
- Section 6.** This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 7.** If any provision of this resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless

be valid, and the City Council hereby declares that this resolution would have been enacted without such invalid provision.

Section 8. It is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and that public notice of the time, place and subject matter of the public business to be considered at such meeting, including this resolution, was given, all as required Chapter 551, Texas Government Code, as amended.

Section 9. This resolution shall be in force and effect beginning May 2, 2024.

PASSED, APPROVED, and ADOPTED on the 2nd day of May 2024.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC, City Secretary

Denton Navarro Rodriguez Bernal Santee &
Zech, P.C, City Attorney

Exhibit A

CITY OF FAIR OAKS RANCH TREE MITIGATION FUND POLICY

Per the Unified Development Code, a fee-in-lieu of mitigation for trees removed on development and redevelopment projects has been established for situations in which meeting mitigation requirements is not feasible. The City of Fair Oaks Ranch is committed to being good stewards of these funds by implementing this policy so that the funds may be dedicated to certain goals, projects or initiatives.

The Tree Mitigation Fund (hereafter referred to as the FUND) Policy seeks to use the funds collected by development and redevelopment projects for public use. This includes tree and habitat mitigation and remediation, public improvements, citywide beautification, and public events. It is the City's goal to responsibly use collected fees-in-lieu of mitigation for the improvement of residents' quality of life by following the policy set forth below. The fulfillment of this policy shall be the joint responsibility of the City's governing body, employees, and its citizens.

Purpose

The purpose of this policy is to appropriately use funds provided to the City through the fee-in-lieu of mitigation for tree removal as defined in the Unified Development Code (UDC).

Goals

The goals of the FUND are to:

- ❖ Support an Oak Wilt Program, including education, mitigation and financial assistance.
- ❖ Provide funding for landscaping, planting, and maintenance to public land.
- ❖ Provide free plant giveaways as part of Arbor Day activities or other City events.
- ❖ Assist in funding various City projects including, but not limited to, capital improvements, drainage improvements, and storm or brush clean-up.

Organization Structure

A successful FUND requires the commitment and involvement of all City employees. The specific responsibilities of key individuals/groups are outlined below:

➤ *City Manager*

The City Manager is responsible for approving the FUND, reviewing the recommendations of the Manager of Engineering Services in coordination with the Environmental Program Manager, allocating funding, and providing support staff as needed. The City Manager is also responsible for the final review and approvals of all proposed policy directives, funding requests, and requests for line and support staff associated with FUND.

➤ *Manager of Engineering Services*

The Manager of Engineering Services is responsible for the promotion and implementation of the City's Tree Mitigation Fund objectives in the operation and maintenance of current and future programs and funded projects in coordination with the Environmental Program Manager. They will oversee the initiation of actions and budgeted resources as necessary to achieve the goal as presented in the FUND. While coordinating activities with the Environmental Program Manager, the Manager of Engineering Services will report directly to the City Manager.

➤ *Environmental Program Manager*

The Environmental Program Manager will be responsible for the implementation and day-to-day management of the FUND and programs within this policy. The Environmental Program Manager will function as the Project Manager and will:

- ❖ Develop and implement an Oak Wilt Program.
- ❖ Organize and coordinate funded events and projects.
- ❖ Track and manage current and future monetary contributions to the FUND.
- ❖ Manage the day-to-day administration, implementation, and monitoring of the FUND.
- ❖ Create plans and search for additional initiatives that support the goals of the Tree Mitigation Fund.

➤ *Employees and Staff*

All employees and staff are responsible for assisting the FUND by providing input to the Environmental Program Manager to help with the implementation of the FUND programs and to help promote program initiatives and events to the public.

Identification of Funding Projects/ Programs

- A. Tree Mitigation Fund – A reserve fund shall be established for the collection and deposit of fee-in-lieu of mitigation payments. Such funds are subject to appropriation during the normal budget cycle or by budget amendment for out of cycle requests. Budget line items may be created to allocate funds and capture expenses related to each FUND program or initiative.
 - a. Oak Wilt Program – Tree Mitigation Fund expense line item should annually allocate funds to be used exclusively on Oak Wilt management.
 - b. Tree and Landscaping Protection – Tree Mitigation Fund expense line item should annually allocate funds to be used for tree and landscape maintenance.
 - c. City Approved Events - Tree Mitigation Fund expense line item should annually allocate funds for City events such as an Arbor Day Celebration, free plant giveaways, etc.
 - d. Additional line items may be created and allocated from the Tree Mitigation Fund for specific projects or programs as determined by staff with City Council approval.

The City will maintain accurate records of the FUND programs and initiatives and the associated costs on a regular basis. Guidelines and procedures will be reviewed and approved by the City Manager periodically. Information will be furnished to the City Manager on the goals and progress of the Tree Mitigation Fund.

*Policy guidelines and procedures were reviewed and approved by the City Manager
this ____ day of _____, 2024.*

City Manager

Exhibit B

CITY OF FAIR OAKS RANCH OAK WILT PROGRAM

The City of Fair Oaks Ranch is making funds available to its citizens to incentivize and assist in oak wilt treatment within its city limits. Reimbursement from approved applications is on a first-come, first-served basis and will only be processed when funds are available. Specific guidelines must be followed to be eligible for reimbursement through this program.

Guidelines

To be eligible for reimbursement, a property must have a confirmed diagnosis of oak wilt or be at risk of getting oak wilt due to its proximity to an infected property as determined by a certified arborist. All treatment must be completed by a certified arborist. To receive reimbursement, an invoice from an approved City of Fair Oaks Ranch registered tree contractor and treatment plan must be provided to the City alongside the application no later than 30 days after treatment has been completed.

Services Eligible for Reimbursement:

- 1) Injectable Therapeutic and/or Preventative Treatment
- 2) Removal of Diseased Red Oak Trees
- 3) Trenching to contain an Oak Wilt center

Applicants are eligible for reimbursement of up to 50% of the total cost of eligible services, with a maximum payout of \$1,500 per fiscal year per property.

Reimbursement Process

The Environmental Program Manager will gather the application, invoice and treatment plan from the property owner, ensure all requirements are met, and will determine the eligible reimbursement amount. A determination of the request shall be approved by the Manager of Engineering Services. Reimbursement to the applicant will be made within 30 days of application approval. Any applications for ineligible services or incomplete applications will not be processed until a corrected or complete application is received.