

CITY OF COOS BAY CITY COUNCIL
Agenda Staff Report

MEETING DATE July 5, 2016	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors
FROM: Jackie Mickelson, Executive Assistant
Through: Rodger Craddock, City Manager
ISSUE Tree Board and Library Board Appointments

BACKGROUND

The Tree Board was established by Ordinance No. 181 and codified by Municipal Code 8.30. The purpose of the committee is to provide regulations for the planting and protection of trees and shrubs within the City of Coos Bay right-of-ways. The Board consists of seven members appointed by the City Council, and they meet on an as-needed basis.

- (a) One member of the Tree Board may be a member of the City Council.
- (b) One member of the Tree Board shall also be a Parks Commissioner.
- (c) At least one member of the Tree Board shall be a representative from the field of arboriculture, landscape architecture, or otherwise have a background and professional knowledge of trees and their care.
- (d) One member of the Tree Board shall be designated by the Board of the Coos Bay Downtown Association.
- (e) The balance of the Tree Board shall be citizens with an interest in trees.
- (f) All members shall be City residents. Members residing outside the City, but who own property within the City shall be considered to have such residential status. The Council may allow membership for one non-resident who possesses subject matter expertise needed by the Board.

Three positions on the Tree Board expired June 30, 2016. The terms are for a Parks Commission representative, a Downtown representative, and a citizen at-large position. The Parks Commission recommended Ariann Lyons as their representative and the Downtown Association recommended Elizabeth-Claire "EC" Knox as their representative. There are three applicants applying for the citizen-at-large position - Cora Vandervelden, Brian Allen, and Darrick Betzenderfer.

The Library Board was established by Ordinance No. 57 and codified by Coos Bay Municipal Code 2.25. The committee consists of seven members. The terms of office are four years; and up to three board members may at any one time reside in Coos County within the boundaries of School Dist. 9, but outside the city limits of Coos Bay. Members shall be limited to serving no

more than two full consecutive terms; however, any person may be reappointed after an interval of one year. On April 7, 2015, James Moore was appointed to fulfill George Ruggles' unexpired term ending June 30, 2016. After advertising this opening, we received applications from James Moore, Carol Sanders, Amber Kelly, and Jennifer Stephens.

ADVANTAGES

Citizens serving in volunteer capacities on the City's boards and commissions fulfill an important community need and provide a valuable resource for city government.

RECOMMENDATION

If it pleases the City Council, approve the Coos Bay Downtown Association recommendation to appoint Elizabeth-Claire "EC" Knox as their representative on the Tree Board with the term ending June 30, 2020, approve the Parks Commission's recommendation to appoint Ariann Lyons as their representative on the Tree Board with the term ending June 30, 2020; and consider casting your ballot to re-appoint Cora Vandervelden or appoint Brian Allen or Darrick Betzenderfer to the Tree Board as the citizen at-large representative with the term ending June 30, 2020. Consider casting your vote to re-appoint James Moore, or appoint Carol Sanders, Amber Kelly, or Jennifer Stephens to the Library Board with the term ending June 30, 2020.

Chapter 2.25
LIBRARY AND LIBRARY BOARD

Sections:

[2.25.020](#) The library board.

[2.25.030](#) Functions – Powers – Duties.

2.25.020 The library board.

(1) The public library shall be governed by a library board.

(2) The library board shall have seven members.

(3) Except as provided by subsection (5) of this section, members shall hold office for terms of four years, with the member's term of office commencing on July 1st in the year of their appointment.

(a) Terms of office shall be staggered, with terms of no more than two members expiring in any year. Members shall be limited to serving no more than two full consecutive terms; however, any person may be reappointed after an interval of one year.

(b) Up to three appointees to the library board may, at any one time, reside in Coos County within the boundaries of School District No. 9, but outside the city limits of Coos Bay.

(4) At the expiration of the term of any member of the library board, the council shall appoint a new member or reappoint the incumbent member.

(5) If a vacancy occurs, the council shall appoint a new member for the unexpired term.

(6) The library board may recommend persons to the mayor or council for appointment to any open position on the library board, based upon criteria determined by the library board to be necessary and proper for effective library board membership.

(7) After each regular appointment, the library board shall meet and shall elect officers from among its members. The library director shall serve as secretary to the library board and shall keep a record of its actions.

(8) Library board members may not be removed during their period of appointment, except for good cause shown. [Ord. 218, 1995; Ord. 57 § 2, 1986].

2.25.030 Functions – Powers – Duties.

(1) The library board shall have such powers and duties which are assigned or delegated to it by the Charter, ordinances, or resolutions of the city of Coos Bay.

(2) The library board shall:

- (a) Advise the city manager regarding the selection of the library director and the prescription of duties of the library director.
- (b) Formulate bylaws, rules and policies for the governance of the library.
- (c) Prepare and submit an annual budget request.
- (d) Approve all expenditures from the library budget.
- (e) Advise the city council regarding the selection of sites and locations for library buildings or other library facilities.
- (f) Subject to the rules of the local contract review board, authorize the library director to enter into contracts for library purposes.
- (g) Perform such other activities as are necessary for the maintenance of the library.

(3) The library board shall have the following powers and duties regarding donations of property to the library:

- (a) The library board may accept donations of real or personal property, may use any real or personal property offered to the library, and may expend any funds donated to the library for library purposes.
- (b) Any donation to the library shall be administered according to the terms of the donation, but shall be held in the name of the city of Coos Bay.
- (c) The library board may use funds donated to the library for the purchase or control of personal property necessary for library purposes.
- (d) The library board may dispose of any item of personal property donated to the library with a market value less than \$2,000. Any item of personal property donated to the library with a market value greater than \$2,000 may be disposed of by the library board upon approval by the city council.
- (e) The library board may request to have real property donated to the library declared surplus property as provided by Chapter [3.45](#) CBMC; upon declaration that such real property is surplus property, the property may be disposed of, and the proceeds disbursed to the library. [Ord. 218, 1995; Ord. 57 § 3, 1986].

Chapter 8.30 TREES AND TREE BOARD

Sections:

- [8.30.010](#) Short title.
- [8.30.020](#) Purpose.
- [8.30.030](#) Definitions.
- [8.30.040](#) Tree board – Composition and procedures.
- [8.30.050](#) Tree board – Duties.
- [8.30.060](#) Permits.
- [8.30.070](#) Planting, maintenance and removal.
- [8.30.080](#) Protection of trees.
- [8.30.090](#) Appeals.

8.30.010 Short title.

This chapter may be cited as the Coos Bay tree ordinance. [Ord. 181 § 1, 1992].

8.30.020 Purpose.

It is the purpose of this chapter to promote and protect the public health, safety, and welfare of the residents of the city of Coos Bay by providing for the regulation of the planting, maintenance, and removal of trees and shrubs within the city. [Ord. 181 § 2, 1992].

8.30.030 Definitions.

For the purposes of this chapter, the following definitions apply:

“Park trees” means trees, shrubs, bushes and all other woody vegetation in public parks and all other areas owned by the city and open to the public.

“Public right-of-way” means streets and alleys including that portion of the dedicated right-of-way which is not currently used as a street or alley.

“Street trees” means trees, shrubs, bushes, and all other woody vegetation on land located within or adjacent to public rights-of-way within the city. [Ord. 181 § 3, 1992].

8.30.040 Tree board – Composition and procedures.

(1) The tree board shall be appointed by the city council and shall consist of seven members.

(a) One member of the tree board may be a member of the city council.

(b) One member of the tree board shall also be a parks commissioner.

(c) At least one member of the tree board shall be a representative from the field of arboriculture, landscape architecture, or otherwise have a background and professional knowledge of trees and their care.

(d) One member of the tree board shall be designated by the board of the Coos Bay Downtown Association.

(e) The balance of the tree board shall be citizens with an interest in trees.

(f) All members shall be city residents. Members residing outside the city, but who own property within the city shall be considered to have such residential status. The council may allow membership for one nonresident who possesses subject matter expertise needed by the board.

(2) The members shall be appointed for a term of four years. Vacancies, except at the expiration of a term, shall be filled by a temporary appointment made by the council for the remainder of the unexpired term. Committee members may be reappointed for additional terms of four years each.

(3) A member of the tree board may resign at any time by submitting a letter of resignation to the council. A member may be removed by the council for nonperformance of duty. A member who is absent from three consecutive meetings without excuse is considered to be in nonperformance of duty. The possible need for removal may be brought to the attention of the council by the tree board.

(4) The tree board members, by majority vote, shall elect a chairperson and vice-chairperson for a one-year term at the beginning of each year, and may reelect the incumbent. The chairperson shall preside over tree board meetings and retain the right to vote. The vice-chairperson shall preside in the chairperson's absence.

(5) Regular meetings shall be held at a frequency necessary to carry out tree board duties. Meetings shall be called at the request of the chairman, or four commissioners, or at the request of the public works or community services departments.

(6) Four members of the tree board shall constitute a quorum for conducting any business.

(7) The tree board may make and alter rules and regulations for its operation consistent with the City Charter, ordinances, and resolutions, subject to review and approval of the council.

(8) Members of the tree board shall receive no compensation, but shall be reimbursed for duly authorized expenses. [Ord. 470 § 1, 2015; Ord. 298, 2001; Ord. 181 § 4, 1992].

8.30.050 Tree board – Duties.

(1) The tree board shall have the primary responsibility to study, investigate, develop, and to update periodically a written plan for the care, preservation, pruning, planting, replanting, removal and disposition of all street and park trees.

(2) As part of the plan, a list of acceptable species shall be developed and maintained for planting as street trees. The species will be divided into three size classes: small, medium, and large. A list of tree species not suitable for planting will also be developed.

(3) The plan developed by the tree board shall be presented to the city council, and upon council acceptance and approval the plan shall constitute the official comprehensive tree plan for the city.

(4) The plan, and the provisions of this chapter, will be reviewed completely at least once in every three-year period after the initial approval.

(5) The tree board may also develop criteria for determining and standards for protecting heritage trees within the city. The purpose of the heritage tree designation is to recognize, foster appreciation of, and protect trees having significance to the community. Criteria may include such things as species rarity, age, size, quality, association with historical events or persons, or scenic enhancement. The tree board shall have the authority to determine, select and identify such trees that qualify as heritage trees. [Ord. 181 § 5, 1992].

8.30.060 Permits.

(1) A permit shall be obtained from the public works director before planting, pruning or otherwise affecting a street tree. There shall be no fee required for this permit.

(2) With a permit, adjacent property owners may plant street trees so long as the selection, location, and planting of such trees is in accordance with this chapter.

(3) Any street tree planted subsequent to adoption of the ordinance codified in this chapter and not in compliance therewith shall be removed at the expense of the person who planted it. [Ord. 181 § 6, 1992].

8.30.070 Planting, maintenance and removal.

(1) The spacing of street trees will be in accordance with the three species size classes as defined in this chapter, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

(2) No street trees other than those species listed herein as small trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(3) The distance trees may be planted will be in accordance with the three species size classes, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet.

(4) No street trees shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street trees shall be planted closer than 10 feet of any fireplug.

(5) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(6) The public works director may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

(7) It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the city tree board.

(8) All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface.

(9) Leaf Pick-Up.

(a) The city shall continue to manage and fund the sweeping of streets and public parking lots within the city.

(b) Private property owners and/or occupants shall continue to be responsible for removing leaves collected on awnings, canopies, or building roofs, and for sweeping sidewalks. Leaves may be swept into the streets. [Ord. 181 § 7, 1992].

8.30.080 Protection of trees.

(1) It shall be unlawful for any person to remove, destroy, break, or injure any street tree or park tree.

(2) It shall be unlawful for any person to attach or keep attached to any street or park tree or to the guard or stake intended for the protection of such tree any rope, wire, chain, sign or other device whatsoever, except as a support for such tree.

(3) During the construction, repair, alteration or removal of any building or structure, it shall be unlawful for any owner or contractor to leave any street tree in the vicinity of such building or structure without a good and sufficient guard or protector as shall prevent injury to such tree arising out of or by reason of such construction or removal.

(4) Excavations shall not be placed within six feet of any street tree without approval of the public works director. During such excavation or construction, any such person shall guard any street tree within six feet thereof.

(5) All building material or other debris shall be kept at least four feet from any street tree. [Ord. 181 § 8, 1992].

8.30.090 Appeals.

Any decision under this chapter made by the public works director may be appealed to the tree board. Any decision of the tree board may be appealed to the city council. Appeals must be in writing and filed within 14 days of the decision being appealed. A decision of the city council shall be final. [Ord. 181 § 9, 1992].