

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF THE ENVIRONMENT
URBAN FORESTRY COUNCIL REGULAR MEETING
DRAFT MINUTES**

**Friday, September 28, 2007
City Hall, Room 400
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94102**

- 1. Call to Order and Roll Call.** The Urban Forestry Council meeting was called to order at 10:15 a.m. Present: Chair Milne; Vice-Chair Quirke, Members Cohen, Habert, Marks, Miller (10:30 a.m.), Nervo, Sherk, and Sustarich; Excused: Members Blair, Boss, Griswold, Rodgers, and Short.

Chair Milne introduced Mr. Malcolm Hillan who would be a new member on the Urban Forestry Council effective in October and Ms. Mei Ling Hui, Environmental Assistant for the Department of the Environment in the Urban Forestry program. Mr. Hillan stated that he is an instructor at San Francisco City College in the Environmental Horticultural Program and would be sitting in the seat formerly occupied by Mr. Larry Costello that is designated for a representative of an educational or research institution. Ms. Hui introduced herself, stating that she would be working full-time effective Monday, October 8 and that she had previously worked with Friends of the Urban Forest.

- 2. Adoption of Minutes of the August 28, 2007 Urban Forestry Council Regular Meeting** (Explanatory Document: Approved Minutes of the August 28, 2007 Regular Meeting http://sfgov.org/site/sfenvironment_page.asp?id=66772). (Discussion and Action).

Public Comment: Ms. Eng, Department of the Environment suggested that an amendment be made to Item 9 to delete the title after her name as it is incorrectly stated as the Urban Forestry Council Program Manger. Ms. Eng's official title is Environmental Justice Program Manager. Ms. Eng also pointed out that the statement referencing that most of the applications received for the Environmental Assistant Position were from the Friends of the Urban Forest and the Department of Public Works is incorrect. Ms. Fish indicated that since the statement was actually made, the correction would be noted in September's meeting minutes. Upon Motion by Member Cohen and second by Member Marks, the August 28, 2007 Meeting Minutes were approved with an amendment to delete the title after Ms. Eng's name in Item 9 (AYES: Chair Milne, Vice-Chair Quirke, Members Cohen, Habert, Marks, Nervo, Sherk and Sustarich; Absent: Members Blair, Boss, Griswold, Miller, Rodgers and Short).

- 3. Urban Forestry Council's Process.** Discussion on how the Council wants to engage in meetings, entertain proposals, make decisions and take actions (Discussion).

SPONSOR: Vice-Chair Kelly Quirke

proposal is made in order to go forward. Vice-Chair Quirke suggested that since the Council did not have a particular proposal to consider today, that this item should be continued to a future meeting.

Member Cohen requested an example of a time when the Council was not productive and if had worked towards a consensus would have been more effective. Vice-Chair Quirke stated that discussion of the Landmark Tree Ordinance and working towards putting together an agreement that could be brought to the Board of Supervisors on time was an example. It was explained that the Council's comments were not focused towards how the Ordinance could be improved and were not forwarded to the Board of Supervisors efficiently. The Board of Supervisors moved ahead without the Council's input because the Council did not send any comments forward on time even after many meetings on the topic. Member Cohen agreed that the Council had not been effective, but did not agree that there was a lack of focus. Vice-Chair Quirke stated that had the Council been able to reach an agreement, they would have been more effective in getting a proposal enacted. Vice-Chair Quirke stated that he would be interested in using consensus techniques for future proposals.

Chair Milne reported that this item would be continued to the October 23, 2007 meeting for further discussion and for background material to be provided.

4. Urban Forestry Council's Work Plan for 2008. Review definition of the urban forest and prepare a Work Plan for 2008 (Explanatory Document: Urban Forest Plan (PDF)

<http://web1.sfgov.org/site/uploadedfiles/sfenvironment/meetings/ufc/supporting/2007/UrbanForestPlan.pdf> (Discussion).

SPONSOR: Vice-Chair Kelly Quirke

Vice-Chair Quirke asked that Council Members review the Urban Forestry Council Ordinance (Chapter 12 of the Environment Code) and the Urban Forest Plan so that an agreement can be made as to the definition of the urban forest in order to develop a Work Plan for 2008. It was stated that the Council is currently a reactive body to issues that have come up from the Board of Supervisors or elsewhere. Vice-Chair Quirke recommended that the Council at future meetings discuss what issues are coming up and how to address those issues in order to set goals, objectives, and strategies to meet goals. The importance of having a mechanism to check accomplishments and pending work to reach goals was noted. Chair Milne suggested that projected timelines for reaching goals be included as part of the Work Plan. Council Members provided their comments on Work Plan items for 2008. Suggestions included:

- Monthly meetings between the Council Chair, Ms. Hui, a Board of Supervisors Representative (preferably the Board President), and Mr. Dan Sider, Director, Mayor's Office of Greening, in order to discuss the Council's activities and provide monthly updates (KQ).
- Better Streets Plan, Wastewater Management Plan (BS) and Planning Department's Urban Forest Master Plan involvement (MM).
- Urban Forest Plan Priority Action Steps as agreed to by the Planning and Policy Committee (MM and TM).
- Review last year's work plan for carry-over items (MM).
- Create a flowchart and checklist of work plan items (JC).
- Involvement in other City projects that Council members and other City agencies are working on; e.g., Islais Creek and other watersheds in San Francisco. Discussion of trees, uncovering streams, to

and help public agencies enforce laws so that private property owners and contractors do not damage trees (MM).

- Participation in requesting funding from bonds directed towards urban forest work around the state; e.g., Proposition 84, land and water bond, in which millions of dollars are allocated for the urban forest around the state and the Recreation and Park bond allocated to the urban forest and trail restoration (KQ).
- Sidewalk pocket parks and green belts. Create a paradigm shift as to how San Francisco urban dwellers see our streets, sidewalks, trees, underground, and aboveground through written articles, etc. (JC).
- Discuss Council's interactions with other City Hall agencies. Public outreach through written articles to newspapers (TM).
- Work with bicyclists and pedestrians to create better streets. Study the relationship of trees, pedestrian, automotive, and bicycle paths of travel. Share ideas from other countries (BS).
- Crocker Amazon and other park projects to install artificial turf play fields that resulted and would result in a loss of trees. Council to discuss processes used in approving projects and make recommendations on further MOU's. Discuss whether public and private entities are working well together in the interests of the public. Ensure adequate public participation—what role should private entities play in the stewardship of public places (MM). Create Resolutions and make presentations to Commissions to pay attention to these issues (TM). Discussion of City subcontracting and the public process (JC).

The Work Plan for 2008 would be discussed at the Planning and Funding Committee at their October 18, 2007 and then brought back to the full Council for further discussion at their October 23, 2007 meeting.

Planning and Funding Committee

5. **Board of Supervisors Legislative Process Training/Workshop.** An informational report will be given on a citywide legislative process training/workshop tentatively scheduled for this year. (Explanatory Document Legislative Process Handbook (PDF) http://www.sfgov.org/site/uploadedfiles/bdsupvrs/handbook/legislative_process.pdf). (Informational Report and Discussion)

Ms. Fish reported that Ms. Kay Gulbengay, Deputy Clerk for the Board of Supervisors Office indicated that she may be formulating a City-wide legislative process training/workshop for Commissioners, Council Members, etc. that may be available by the end of October. However, the workshop is tentative at this time, and more information would be forwarded to Council members once it becomes available. For additional information on the legislative process, Ms. Gulbengay is available to answer questions on Monday and Thursday afternoons at the Board of Supervisors Office or by email Kay.Gulbengay@sfgov.org. Vice-Chair Quirke asked if the legislative training session would be open to the public. Ms. Fish stated that she believes it would be open to the public in accordance with Sunshine Ordinance rules.

Transcript on the Legislative Process

Mr. Tom Owen, Deputy City Attorney, stated that he has been working with the City Attorney's Office for the past twenty-six years preparing legislation either directly with the Board of Supervisors or for City departments, the Mayor's Office, and the Controller's Office. Mr. Owen explained that San Francisco is the

motions. Ordinances are organized in the various subject matter codes, the Police Code, Environment Code, Public Works Code, etc. The Urban Forestry Council and the Landmark Tree Ordinance are examples of ordinances that are laws generally directed toward the public at large. They impose duties and obligations on private citizens, and they may also set up internal city policies where there is a degree of formality required or some need to make a policy mandatory. Resolutions are statements by the Board of the Supervisors of the City's intent for local actions; e.g. (1) certain contracts are approved by resolution; (2) if the City wants to state its position on an issue; (3) whether it supports or opposes a particular action in Sacramento; (4) proclaim a particular commemorative day. Motions deal with matters that are exclusively under the Board's jurisdiction; e.g., (1) decisions on appeals; (2) if the Board is deciding to submit something to the voters that has gone through its process.

Ordinances and Resolutions go to the Mayor and the Mayor has ten days to decide to sign or reject by a veto. If the Mayor holds them past the ten-day period, they go into effect without signature. Ordinances can originate from an idea either on a problem or program that the City can benefit from. Supervisors would draft an ordinance directly themselves or request the City Attorney's Office to write an ordinance. Boards and Commissions can also prepare and submit ordinances directly to the Board of Supervisors, or they can ask a Supervisor to sponsor it. The legislation is then introduced at a meeting of the Board during the roll call. The sponsor can either talk about it or it can be submitted without comment. At that point, the legislation is delivered to the City Attorney's Office. The City Attorney's Office must approve all ordinances as to form, which is the legal condition for their adoption. If they don't, the Board can't go any further. Resolutions do not have to be approved as to form. The legislation will also be submitted to the Board's Budget Analyst who will look at whether it will have a fiscal impact on the City's economy. If it will potentially have an impact, it is sent to the Controller's Fiscal Analysis Unit under Proposition I adopted a couple of years ago. It will also be sent out to any department that is directly affected for their comments.

The Board's Rules provide that if an ordinance sets major City policy, it will be held for 30 days so that the public can review the ordinance, form opinions, and develop whatever information they think is needed. At the end of the 30 days, it will be placed on calendar for hearing by a Board Committee such as the Finance Committee, Land Use Committee, etc. The Charter requires that all Ordinances go through at least one Committee hearing. At that point, a Committee of three supervisors will take public comment on the proposed legislation and will listen to department representatives. Amendments can start being made and at the end of the hearing, it may be continued many times, a series of hearings may be scheduled, or the Committee will vote to send it to the full Board with or without recommendation or even a recommendation not to pass. Usually, if they feel it should not pass, the item is tabled and it won't go any further. If an item does not make it out of Committee, any individual Supervisor can call it to the full Board after 30 days. Then the full Board sitting as a Committee of the Whole has to have a public hearing on the item and take public comment.

The Board of Supervisors has to have two hearings on any ordinance. The first time they hear the legislation and approve it, it is passed for first reading; then passed for second reading. Amendments can be made at the full Board meeting. If there are significant amendments, then it has to be held over for another meeting in order to give appropriate notice and to give the public an opportunity to review and comment. It then goes to the Mayor for signature or veto. If it is vetoed, it then goes back to the Board and they have the opportunity to override the Mayor's veto with eight or more votes. Finally for most ordinances, an ordinance has to sit for another 30 days before it becomes effective. During that period, citizens that oppose the measure have the

measures have to be placed on the ballot and anything already approved by the voters (example, subsequent amendments to the Sunshine Ordinance or repeals). Mr. Owens stated that sometimes the Supervisors put something on the ballot because they can't get six votes to get it through the Board but they think it is important enough to put on the ballot, or if they think the issue is controversial enough that it should go to the voters. Member Sherk asked whether anybody could submit an Ordinance. Mr. Owen stated that the Urban Forestry Council could prepare an Ordinance with the assistance of their Deputy City Attorney and then send it to the Clerk of the Board. It is deemed introduced by the President of the Board the following Tuesday or the Council could find a sponsoring Supervisor. The Supervisors do have the option to make amendments once it is received.

Member Cohen asked what would happen if the Board of Supervisors does not take action on a Resolution to adopt a tree for landmark status. Mr. Owen explained that if the item is not calendared at Committee, at some point the file is closed. If you have a Resolution that is lingering, you have to convince a sponsoring Supervisor to hear it at Committee or call it out of Committee and have it heard at the full Board. Chair Milne stated that the Council had received advice that if the Board of Supervisors created a Motion instead of a Resolution for an intent to nominate a landmark tree, it would be quicker for the Council to receive and act upon. Mr. Owen stated that a Resolution is required by a provision of the Landmark Tree Ordinance, but the provision could be amended by the Board of Supervisors.

Member Cohen confirmed that a Resolution of intent to nominate a landmark tree would be introduced by a Supervisor, sent to Committee, and then if approved by the full Board would be forwarded to the Urban Forestry Council to take action. If the Council approves landmark tree status, then the Resolution is sent back to the Board of Supervisors for final action. At that point, the Council may have to contact a Supervisor to calendar the item before Committee within a certain number of days so that it does not get tabled. Mr. Owen explained that the decision to proceed is with the Board of Supervisors, but interested parties can keep track of the progress, make inquiry of the Supervisors about the status, express concern, and urge action or inaction. Mr. Owen stated that a request to have an item calendared could also be done by written request. Mr. Owen offered Deputy City Attorney Alicia Cabrera and his assistance on any future questions that the Council may have. Mr. Owen was thanked for presenting on this topic.

6. Staff Report. Staff will provide updates on UFC administrative and programmatic operations relating to research, planning, funding, outreach, and other related activities. (Informational Report and Discussion)

Ms. Eng discussed the need for better coordination and sharing of information between City staff who are serving as members of the Urban Forestry Council, regarding the City's budget process, which will be starting in January. In the past, Council members complained they could not influence the budget so it could be beneficial for Council members to be involved earlier in the process. Ms. Eng invited the Council to work with City staff and Ms. Hui to understand the budget process. The Council has expressed their frustration about the lack of funding for the Urban Forest program; however, the City is spending more than \$20 million annually on trees, and the Council can influence funding for programs that they are interested in. Ms. Hui's position can help the Council coordinate efforts to acquire additional funding for urban forest programs. Because the Council is analyzing its effectiveness and relevancy, Ms. Eng also suggested that the Council hold an annual retreat in a less formal setting.

8. **Chair's Announcements:** Terry Milne, Chair, Urban Forestry Council (Information and Discussion).

Chair Milne announced that Supervisor Ammiano introduced an intent-to-nominate four trees, but does not have information on whether they had been assigned to Committee. Chair Milne asked if Department staff had received letters regarding the trees on Valencia, Folsom, or Cortland Avenue as he had received information that correspondence would be forthcoming. Ms. Fish stated that she had not received correspondence to date.

Chair Milne discussed the success providing public outreach by Member Cohen, whose article on urban forest issues was in the September 26 Chronicle, "The Dirt: It's tough to see urban forest with so few trees" <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/09/26/HO81S9MSQ.DTL>. It was announced that Supervisor McGoldrick's office would be scheduling the Landmark Tree Ordinance amendments that would streamline the way nominations are sent to the Council and back to the Supervisors in a more expeditious manner. Additional announcements on this topic would be forthcoming.

Vice-Chair Quirke reported that a California Urban Forest Council annual gathering would be held the first weekend in November in San Francisco at the Cathedral Hill Hotel. A welcome mixer is scheduled for the evening of November 1 and conferences would be held on November 2 and 3.

9. **New Business/Future Agenda Items** (Information and Discussion).

Member Habert reported that he would be on medical leave for approximately two months and announced that Mr. Fred Blackwell, Director of the Redevelopment Agency would be appointing Mr. Tom Evans, who is a planner and landscape architect, as his substitute for that time.

Ms. Fish reported that the landmark tree nomination at 4124 23rd Street had been forwarded to the Board of Supervisors, was introduced and referred to Committee, but the Committee did not yet have this tree on their meeting agenda. Ms. Fish and Chair Milne confirmed that at this point, a request could be made to the Committee Chair to place the item on the Committee agenda for hearing.

Chair Milne stated that future agenda items would include (1) forwarding the Work Plan to the Planning Committee; and (2) the Urban Forestry Council's meeting process on the October full Council agenda (discussion on how the Council wants to engage in meetings, entertain proposals, make decisions and take actions).

Public Comment: Members of the public may address the Council on matters that are within the Council's jurisdiction and are not on today's agenda. There was no public comment at this time.

10. **Adjournment.** The Urban Forestry Council meeting adjourned at 11:35 a.m.

Copies of explanatory documents are available to the public at Department of Environment, **11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m.**, by clicking on the links by each agenda item above, or upon request to the Council Secretary at the address listed below, telephone number 415-355-3709, or via e-mail at Monica.Fish@Sfgov.org within three business days of a meeting.