Legislation Text

File #: 35038, **Version:** 2

Fiscal Note

The estimated cost for Urban Forestry Services in 2015 is $5,900,000. This amount is continually being refined as the budget process progresses. Of this amount, $1,385,000 is related to expenditures currently requested in the Parks Division 2015 Capital Budget. The estimated savings to the levy in 2015 would be $4,515,000 for the transfer of operating costs. Savings in future years would also include approximately $180,050 per year for savings in debt service.

The expenditures and special charge receipts would be accounted for in a Special Revenue Fund. Costs associated with creating and maintaining this fund would be minimal. Programming costs to add the special charge to the tax bill are estimated to be under $15,000. These funds have not been included in Information Technology's 2015 operating budget request and may need to be added at a later time.

The method under which the Special Charge will be apportioned will be adopted by the Common Council at a later date.

Title

SUBSTITUTE Creating Section 4.095 of the Madison General Ordinances to establish an Urban Forestry Special Charge.

Body

DRAFTER'S ANALYSIS: This ordinance creates an urban forestry special charge in the City, based upon the authority granted the City by Wis. Stat. § 66.0627, pursuant to Sec. 4.09(13), MGO, and in response to the Alternative Revenue Work Group's recommendations contained in its report entitled "Alternative Revenue and the City of Madison Proposal for an Urban Forestry Charge." (See Legislative File # 35027.) This special charge will shift the entire costs of the urban forestry program from the property tax levy to a charge-supported program. The costs of the program that will be recovered will include all urban forestry costs to the City to maintain, protect and grow the City's urban forest. The charge will only recover for services actually performed by the City, and the amount imposed may be adjusted throughout the year to account for greater or lesser expenditures. The urban forestry program serves all real property in the City and the costs will be apportioned based upon a policy to be later adopted by the Common Council. The approved charge shall be collected as part of the tax bill, although it may be paid earlier. This charge is similar to other municipal charges around the State of Wisconsin, including refuse collection charges and Milwaukee's snow and ice removal charge, as well as the City's own annual State Street/Capitol Square Mall Maintenance special charge. This charge will only apply to urban forestry services performed by the City prior to January 1, 2019.

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The Common Council of the City of Madison do hereby ordain as follows:

Section 4.095 entitled "Urban Forestry Special Charge" of the Madison General Ordinances is created to read as follows:

"**4.095 URBAN FORESTRY SPECIAL CHARGE.**

(1) Intent and Purpose.

(a) The Common Council of the City of Madison hereby finds that:

1. The City, through its urban forestry program, provides a service to all real property in the City by maintaining, protecting and growing the City's urban forest.

2. The City's urban forestry program leads to increases in property value, greater commercial activity, increased livability of the City's neighborhoods, reduction in energy usage, cleaner air, better storm water management and other tangible and intangible benefits. Every $1 spent on City trees yields an estimated $3.35 in benefits for the City of Madison. In addition, every street tree, a component of

the City maintained portion of the urban forest, provides $122 in annual benefits, while collectively intercepting an estimated 115 million gallons of rainfall each year and removing over 175,000 pounds of pollutants from the environment.

3. Invasive species and fungal diseases known and unknown, currently threaten our urban forest and have a history of causing significant harm to the urban forest. The City is currently facing the loss of approximately 20% of the urban forest due to arrival of the emerald ash borer in 2013. According to the adopted Emerald Ash Borer Taskforce Report (RES-12-00729, File ID # 26893), the projected cost to remove and replace the approximately 22,000 terrace ash trees will be around $13 million over five years, and the cost to treat suitable trees would carry an annual cost of over $437,000. Removal, replacement and/or treatment of infested and healthy ash trees is necessary to prevent property damage, personal injury, and to reestablish the urban forest. These costs are significant and may fluctuate over time. Future infestations and diseases may cause similar harm in the future.
4. By creating this special charge, the City will be able to better perform its urban forestry obligations moving forward without sacrificing the level of service needed to adequately maintain, protect and grow the urban forest.

(b) This ordinance is adopted pursuant to those powers set forth in Wis. Stat. § 66.0627 and Sec. 4.09(13), MGO, in order to recover the costs to the City to maintain and manage the City's urban forest through its urban forestry program, which program provides a service to all real property in the City.

(2) Definitions.

(a) Urban Forest. The urban forest consists of all the trees located on public and private lands within the City.

(b) Urban Forestry Program. City operations on public lands that include, but are not limited to, the following services: planting, pruning, maintenance, treatment, integrated pest management, and the removal and stump grubbing of trees that are part of the Urban Forest.

(c) Program Costs. The Urban Forestry Program Costs shall include the costs to the City to perform the activities associated with the Urban Forestry Program. They do not include any costs incurred by the City that are reimbursed from other sources such as federal or state funding, grants, insurance proceeds, restitution, donations, endowments, or other third party sources, including, specifically, public nuisance abatement costs recovered under Sec. 23.40, MGO.

(3) Urban Forestry Charge. There is hereby imposed upon all real property in the City an annual urban forestry special charge pursuant to Sec. 4.09(13), MGO, and Wis. Stat. § 66.00627, which charge shall recover the City's annual urban forestry program costs.

(4) Administering the Charge. The urban forestry charge shall be administered by the City Forester and the Finance Department. The proceeds from the charge shall be used to pay for the services provided by the City's urban forestry program. The City Forester shall prepare an urban forestry special charge policy that establishes the method of calculating and apportioning the charge. This policy shall be submitted to the Common Council for approval, and shall be updated as necessary to ensure that the charge is properly applied.

(5) Determining the Urban Forestry Special Charge. The Common Council shall annually approve the urban forestry charge. As part of this approval process, the Forestry Section shall prepare a report to the Common Council of the City's urban forestry program costs. The report shall detail the past and future anticipated expenditures for the program. If, after approving the charge, the actual urban forestry program costs are found to vary materially from the approved amount, the Forestry Section shall submit an updated report to the Common Council for consideration to account for the actual costs of the urban forestry program.

(6) Payment. Upon the Common Council's approval by resolution of the special charge or updated

special charge under Subsection (5), the special charge shall be due by October 31. Payment may be made before that date, and any amount not paid to the City by that date will be considered delinquent and shall automatically be extended upon the current or next tax roll as a delinquent tax against that property and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special charges.

(7) Notice. Notwithstanding the provisions of Sec. 4.09(13) regarding notice, no notice or billing is required for the urban forestry special charge except for a Class I notice under Wis. Stat. ch. 985 within twenty (20) days of the Common Council's approval by resolution of the special charge or updated special charged under Subsection (5).

(8) Appeal. Within ten (10) days of the notice provided for under Subsection (7), a property owner may appeal the application of the urban forestry special charge policy to his or her property. A property owner may not appeal the total amount of the charge approved by the Common Council under Subsection (5) or the policy itself. This appeal shall be in writing to the City Forester and shall state the specific reasons why the property owner feels that the application of the policy to the property was erroneous and the relief being sought. If, upon review, the City Forester determines that all or part of the charge imposed is erroneous, unjust or unreasonable, the City Forester shall adjust the amount of the charge against the property. The property owner may appeal the City Forester's decision to the Administrative Review Board by providing written notice to the City Clerk within ten (10) days of the mailing of the City Forester's written decision on the appeal to the property owner. Upon the filing of the notice with the City Clerk, the appeal of the City Forester's decision shall follow the rules and procedures set forth in Sec. 9.49, MGO.

(9) Sunset. No urban forestry charge shall be imposed under this section for services performed by the City after December 31, 2018."