

RULE NO.: R161-18.24

NOTICE OF RULE ADOPTION

ADOPTION DATE: December 7, 2018

By: Richard Mendoza, Director
Public Works

The Director of the Department of Public Works has adopted the following rule. Notice of the proposed rule was posted on October 5, 2018. Public comment on the proposed rule was solicited in the October 5, 2018 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

A copy of the complete text of the adopted rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Public Works, located at 4411-A Meinardus Drive, Austin, Texas, 78744. See Mr. Samuel West; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

EFFECTIVE DATE OF ADOPTED RULE

A rule adopted by this notice is effective on December 7, 2018.

TEXT OF ADOPTED RULE

The adopted rule contains no changes from the proposed rule.

R161-18-24: Proposed revision to Standard Specification Item 610S.

Standard Specification Manual Item 610S

- Standard Specification 610S.6 – Adding the description for pay item 610S-E Tree Trunk Protection (Wood Planking).

SUMMARY OF COMMENTS

Public Works did not receive comments regarding the rule adopted in the notice.

AUTHORITY FOR ADOPTION OF RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate construction is established in Section 25-6-267 and Section 25-6-268 of the City Code

APPEAL OF ADOPTED RULE TO CITY MANAGER

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the City Clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.


Notice that an appeal was filed and will be posted by the city clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City manager shall make a decision.

CERTIFICATION BY CITY ATTORNEY


By signing this Notice of Rule Adoption R161-18-24, the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEWED AND APPROVED



Richard Mendoza, Director
Department

Date: 12-05-18



Anne L. Morgan
City Attorney

Date: 12/6/18

Standard Specifications Manual

Item No.610S Preservation of Trees and Other Vegetation

Standard Specification 610S.6 "Payment"

610S.6 Payment

The work and materials prescribed herein with the exception of the Protective Fencing and Tree Well (Tree Protection) will not be paid for directly but shall be included in the unit price bid for the item of construction in which this activity is used, unless a payment item is included as a contract pay item.

Payment will be made under:

Pay Item 610S-A:	Protective Fencing Type A Chain Link fence (Typical Application-high damage potential)	Per Lineal Foot
Pay Item 610S-B:	Protective Fencing Type B Wood fence (Typical Application-high damage potential)	Per Lineal Foot
Pay Item 610S-C:	Protective Fencing Type C Other Materials (Limited Application-minimal damage potential)	Per Lineal Foot
Pay Item 610S-D:	Tree Well (Tree Protection)	Per Each
Pay Item 610S-E:	<u>Tree Trunk Protection (Wood Planking)</u>	<u>Per Tree</u>
Pay Item 610S-R:	Removal of Existing Trees	Per Each

End