

## AGENDA

### ROSSMOOR COMMUNITY SERVICES DISTRICT

#### TREE COMMITTEE MEETING

RUSH PARK  
Administration Building  
3001 Blume Drive  
Rossmoor, California

**Monday, February 28, 2022**  
**7:00 p.m.**

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#### **A. ORGANIZATION**

1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: Directors Searles, DeMarco
3. PLEDGE OF ALLEGIANCE
4. PRESENTATIONS: None

#### **B. PUBLIC FORUM**

*Any person may address the members of the Tree Committee at this time upon any subject within the jurisdiction of the Tree Committee of the Rossmoor Community Services District.*

#### **C. REGULAR CALENDAR**

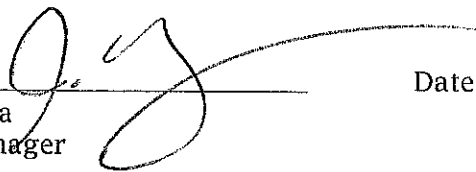
1. CITIZEN REQUEST FOR REMOVAL OF TREE FROM PARKWAY AT 11962 MARTHA ANN DR.
2. CITIZEN REQUEST FOR REMOVAL OF TREE FROM PARKWAY AT 3262 OAK KNOLL DR.
3. ENFORCEMENT OF PARKWAY TREE PLANTING POLICY
4. ARBOR DAY EVENT PLANS

#### **D. ADJOURNMENT**

**CERTIFICATION OF POSTING**

I hereby certify that the attached Agenda for the Monday February 28, 2022 at 7:00 p.m. Tree Committee Meeting of the Rossmoor Community Services District was posted at least 24 hours prior to the time of the meeting.

ATTEST:

  
\_\_\_\_\_  
Joe Mendoza  
General Manager

Date 2/23/22

## **ROSSMOOR COMMUNITY SERVICES DISTRICT**

### **AGENDA ITEM C-1**

**Date:** February 28, 2022

**To:** Tree Committee  
Director Nathan Searles  
Director Tony DeMarco

**From:** General Manager Joe Mendoza  
Initiated by Mary Kingman, District Arborist

**Subject:** CITIZEN REQUEST FOR REMOVAL OF A CALIFORNIA SYCAMORE TREE FROM THE FRONT PARKWAY AT 11962 MARTHA ANN DRIVE

### **RECOMMENDATION**

The Rossmoor Community Services District (RCSD) General Manager recommends that the Tree Committee review and respond to resident Mr. Grimaldi's request to The District to have the tree in the parkway in front of his home removed and replaced.

### **BACKGROUND**

Rossmoor resident and homeowner Rocco Grimaldi requests the removal of the parkway tree in front of his home at 11962 Martha Ann Drive. He has stated the reasons for his request as being that the tree's roots have damaged his property. The tree in question is a *Platanus racemosa*, common name California Sycamore. The tree is between 45 and 60 years of age and has an estimated value of \$9,830.00.

Mr. Grimaldi originally contacted District Arborist Mary Kingman on September 8, 2020, with a request to have the tree removed. After inspecting the tree and finding it to be healthy and without pest, disease, or structural issues, she was not able to accommodate his request to remove the tree under District Policy No. 3080 Parkway and Rossmoor Way Median Tree Maintenance. After Mr. Grimaldi showed up at her office to appeal that decision, she advised him to appeal in writing to RCSD General Manager Joe Mendoza. Mr. Grimaldi's written request was received on August 2, 2021, and is attached, along with the District's written response and an arborist report on the tree.

### **ATTACHMENTS**

1. Copy of written removal request from Mr. Grimaldi
2. Copy of written removal refusal response from the RCSD
3. Information on California Sycamore tree and statistics on species inventory in Rossmoor.
4. Arborist report on the tree
5. District protocol for tree roots in sewer lines
6. RCSD Policy No. 3080 Parkway and Rossmoor Way Median Tree Maintenance

To: Joe Mendoza, RCSD General Manager

August 2, 2021

On September 11, 2020, I had a phone conversation with District Arborist, Mary Kingman, regarding the parkway tree in front of our property at 11962 Martha Ann Dr. I explained to her that the parkway tree, in front of our house, was creating extensive & expensive damage to our property. On 6-20-2018, the water company had to come out to repair a leak in the main line located next to the tree. The tree had grown completely around the pipe, encasing it, and it took two water company employees 8 hours to repair the pipe.

The roots from the tree have also grown under brick planters inside our front yard, along our front wall, and around the front of our house. The planters are all raised, jagged, broken, and distorted. Mary Kingman told me that since the tree is alive, she could not authorize its removal. She sent me a follow up e-mail about our conversation along with a copy of RCSD Policy #3080. Per the policy, this letter is directed to Joe Mendoza to request the removal of the parkway tree due to reasons not covered in the policy.

As of 7/29/2021, we are well over \$52,000 in repairs. The following reasons will further prove that although the tree is "alive", the damages and exorbitant expenses that we are still dealing with far exceed allowing that tree to remain there. We also understand that you may have to replace it with a new baby tree, if that is what's required.

- The roots of the tree have raised the sidewalks in the front of the house along Martha Ann Dr. The county's remedy to correct the damage has been to grind the concrete of the sidewalk until it was level again. Unfortunately, this does nothing to correct the main reason for the issue (the enormous tree roots uprooting everything), and hides the problem without any mitigation. (Photos are available)
- On 9-3-2020, our sewer system in the master bedroom had to be completely replaced after it backed up into our shower and toilet, which cost us \$6,000. Roots as large as 2"-3" in diameter completely destroyed the lines leaving only partial pieces of the system. To make matters worse, the master bathroom had recently been remodeled at great expense. Our entire sink cabinet had to be removed & plumbers had to dig down 5' and tunnel under the slab to replace the sewer lines to the shower, sink and toilet. They also had to break through & remove about 3'x5' of tiled flooring. That size & type of tile is no longer available, so we will need to completely replace all of the flooring, and the project costs did not include replacing the tile, which has yet to be completed. (Photos are available)
- On 2-11-2021, our guest bathroom and rear bathroom were gurgling and not draining, so we called Service Champions. Our entire sewer line had cracks, and a section of it at the front entry gate that goes out to the city main line, was gone. Another company was hired for this work. They had to remove the concrete at the front entryway and dig 5' down to replace the connection going to the city main line. All of our sewer lines were cracked and had to be lined with an industrial coating to further protect them, due to the tree damage. (Photos are available)
- Along the outside wall on the north side of the house, where the master bathroom is located, is concrete. The gas meter, a gas line, and our water tank are located there. The concrete had risen and was pushing up against the gas line. Another company was

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hired to remove a 5'x6' section of concrete, and they found that a large 3" diameter root was running along the house and raising the concrete. The cost for that repair to lower, replace, and level the concrete so it wouldn't hit against the gas line was \$1,344.00. We also had the gas company come out to inspect the gas line and the meter to insure that it was safe and there was no damage to the line and the meter. (Photos are available)

- We had 21 "Krauter Vesuvius Flowering Plum Trees" running along the perimeter of our property along our perimeter wall. Our landscape company maintained them along with our lawn. All of the trees had died because large 3"- 4" roots from the parkway tree had choked their roots and killed them. We then had to pay our landscaper to have the trees removed. The tree also ruined our grass and cracked and broke our auto sprinkler pipes. Without the removal of the tree, we cannot even repair our front yard because the huge roots will continue to destroy the lawn, landscape, and any brick or cement work. (Photos are available)
- The brick planters along the interior perimeter wall and those along the front of the house are broken and lifted from the roots of the parkway tree. They will have to be completely removed and replaced. The landscapers will need to remove the top soil by digging down approximately 4'-5' to get rid of all the roots. (Photos are available)

We are well aware that we live in a "Save the Tree" community, but when the choice of saving a tree versus destroying a residence and its property are involved, the tree should not be the priority. If left there, this tree will continue to produce large roots, and we will continue to have more damage to our property and house with additional costs. Not to mention, how this one tree killed 21 plum trees on our property. This is totally unacceptable as we already had to take out a hefty loan to handle the exorbitant repair charges we've encountered thus far.

We would be happy to meet with you or your representative from RCSD to show you all of the issues listed above as well as the photos of the damage that has been repaired and all that will need to be replaced and repaired. Without your positive intervention, it is unknown what other issues we will have to address in the future.

We are sure that you can see from the above information that we have provided that our current loss of over \$52,000.00 is burdensome and horrific, not to mention the larger amount of money it will take to pay for all we still have to repair and replace in the exterior of our property.

We have been residents of Rossmoor for over 30+ years. This is our second home in the tract, and we have been in this residence for over 20 years. At the time that we purchased this residence, a full home inspection was completed, and the property was beautiful, well landscaped, and void of any issues, inside and out.

I can be contacted at (562) 743-7023 or via my e-mail, [rochazmat23@gmail.com](mailto:rochazmat23@gmail.com) to meet and discuss this further.

Respectfully Submitted,  
Rocco & Susie Grimaldi  
11962 Martha Ann Dr.  
Rossmoor, Ca. 90720

August 20, 2021

Rocco and Susie Grimaldi  
11962 Martha Ann Dr.  
Rossmoor, CA 90720

Re: Removal Request of California Sycamore tree at 11962 Martha Ann Dr.

Dear Mr. and Mrs. Grimaldi,

This letter is in response to your request for the removal of the California Sycamore tree in the front parkway of your home.

District Arborist Mary Kingman inspected the tree and found the tree to be healthy and not showing any sign of pest or disease. Sewer line issues are common in the Rossmoor community due to the original sewer systems being over sixty years old and originally installed with pipe connectors made of clay. This material has been found to deteriorate over the years resulting in breakages within sewer systems. While tree roots will seek water seeping from these broken lines, the cause is due to age and condition of the sewer system and not the tree. As for the death of your Plum trees, many trees in our region have been affected with drought and disease within the past 10 years, so it is difficult to know for certain what may have caused their decline. Orange County Public Works will respond to any sidewalk issues and that agency will repair or replace sidewalks as needed.

While I sympathize with the problems you are experiencing, I am required to follow District policy, which I have attached. Under attached District Tree Policy 3080, the tree does not qualify for removal.

You are welcome to appeal my decision in writing, in which case your appeal and request for tree removal will be presented to the Tree Committee at a scheduled meeting that you as the public would be welcome to attend.

Thank you,

Joe R. Mendoza  
General Manager  
[mkingman@rossmoor-csd.org](mailto:mkingman@rossmoor-csd.org)  
[www.rossmoor-csd.org](http://www.rossmoor-csd.org)

Rossmoor Community Services District  
3001 Blume Drive, Rossmoor, CA 90720  
[562.430.3707, Ext. 106](tel:562.430.3707)

**STATISTICS ON THE CALIFORNIA SYCAMORE TREE INVENTORY IN ROSSMOOR**

- Species: *Platanus racemosa* – California Sycamore
- Tree native to California
- Life expectancy average of 200 years, but this can vary according to location, soil type, tree care practices and pest/disease prevalence.
- The majority planted when the Rossmoor community was established in the late 1950s, making the average age 60 years.
- 256 California Sycamore trees planted in Rossmoor parks and parkways.
- Planted on 29 different Rossmoor streets and parks. 91 trees planted on Martha Ann Drive.
- The average height is 60'.
- Total estimated value for all 287 California Sycamore trees is \$3,018,810.00.
- 105 recorded failures of limbs 2" or more in diameter since 2012.
- 3 claims of property damage from Rossmoor California Sycamores since 2012, all being vehicle related damage.
- There have been zero reports of personal injury from California Sycamores in Rossmoor since at least 2012, when current Arborist began keeping records.
- 32 California Sycamore trees removed since 2013 due to disease and decline.

February 22, 2022

**Arborist Report on California Sycamore Parkway Tree at 11962 Martha Ann Drive, Rossmoor, California**

**BACKGROUND:** *Platanus racemosa* is a deciduous riparian tree native to the foothills and coastal regions of California that can reach 75' tall by 50' wide, featuring a rounded crown with a smooth cream-colored trunk that becomes rough and furrowed with age. It produces large, light green palmately shaped leaves and fuzzy round seed pods. Although it prefers regular water, the species tolerates extreme heat and wind and many types of soil.

**OBSERVATIONS:** On February 22, 2022, I performed a Level 2 inspection on a *Platanus racemosa* tree, commonly known as California Sycamore planted in the front parkway of 11962 Martha Ann Drive. The tree has a trunk diameter of 22 inches and is approximately 50 feet tall with a 40 feet wide crown spread. The tree has an estimated value of \$9,830.00. The tree is growing in the front parkway of the home in a planter measuring 7' x 8' and surrounded by concrete. The planter contains soil only. The soil is dry, and no supplemental irrigation system is installed around the tree. The tree has a nicely balanced crown and good structure, with no codominant stems or defects. The trunk and root flare are normal and showing no signs of pest or disease. The tree was coming out of its dormant state at the time of inspection, with new leaves developing on the branches. Two small diameter branches measuring approximately 3-4' long with a 1" diameter had broken off from their parent limbs and were stuck in the crown. I did not observe any other dead or broken limbs within the crown.

**HISTORY:** There are no known histories of limb failures on this tree. The tree has been trimmed regularly by District tree contractor West Coast Arborists, Inc. as shown in the attached work history.

Crew	Date	Work Type / Comments	Job # / Acct #	Invoice#
WCA	12/02/2020	Grid Pruning	56517	167698
WCA	12/08/2016	Tree Pruning > 18 DSH	35572	121818
WCA	08/22/2012	Tree Pruning > 18 DSH	22461	82707
WCA	07/21/2008	Tree Pruning 7-18 DSH	12732	54195
WCA	07/13/2007	Tree Pruning > 18 DSH	11116	48069
WCA	05/07/2007	Safety Pruning	10745	47259
	07/01/2005	Tree Pruning 7-18 DSH	8432	37882

**SUMMARY:** Based on my visual observations of the tree at the time of inspection, I do not have concern that this tree is hazardous or at risk of failure. The tree appears to be healthy and not showing signs of pest or disease.

Mary Kingman  
 District Arborist  
 ISA Certified Arborist #WE-11440A  
 ISA Qualified Risk Assessor (TRAQ)



Photos by Mary Kingman February 22, 2022



## RCSD PROTOCOL FOR TREE ROOTS IN SEWER LINES

The original sewer systems in Rossmoor are now over 60 years of age and will likely have deteriorated underground, due to their age and the materials use when they were constructed. The pipes would have originally been connected using a clay material that breaks down over time. Tree roots encroaching into lateral sewer lines are due to breakages in these deteriorated lines. The tree seeks the seeping nutrients and moisture. Repairing or replacing the deteriorated sewer line will correct the tree root problems since tree roots do not have the ability to force their way into a solid material such as the thick plastic PVC which is now used for sewer pipes.

The RCSD policy is to preserve our valuable urban forest and not to remove healthy trees. An exception will be made if it is necessary to cut away significant tree roots that would undermine the structural integrity of the tree while replacing or repairing a sewage line.

For removal to be considered, the resident must prove that the sewer line connection sits directly under the tree and cannot be repaired due to the tree or its roots.

District Insurance carrier California JPIA has stated that their policy regarding claims for residential sewer line repair will be looked at on a case-by-case basis to determine whether the sewer line damage is due to a homeowner maintenance issue or a tree root issue.

Mary Kingman  
District Arborist  
Rossmoor Community Services District  
3001 Blume Drive, Rossmoor, CA 90720

Rossmoor Community Services District

Policy

No. 3080

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**PARKWAY AND ROSSMOOR WAY MEDIAN TREE  
MAINTENANCE**

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**3080.00** Parkway and Median: A parkway, as described in this Policy, is the County of Orange (County) owned area between the sidewalk and curb. The median is the County owned area dividing Rossmoor Way.

**3080.10** Public Property: Parkway and median trees are public, not private property. Every reasonable effort will be made to preserve this natural resource in order to retain and improve this local scenic and environmental asset.

**3080.11** Homeowners, residents or their agents shall not plant, trim or remove parkway and median trees, except as expressly provided for in this Policy. The Rossmoor Community Services District (District) has the authority and responsibility to plant and trim trees either directly or through the County or other third parties. The District recommends removals to the County and the County has the authority to remove trees.

**3080.12** The County of Orange is responsible for the preventative or remedial tree root pruning to aid in the control of sidewalk, curb and gutter damage. The District will coordinate with the County to perform this work and any other alternatives to tree removal.

**3080.13** Request for inspections, planting, trimming or removal shall be made with the District office. A Customer Service Request (CSR) shall be initiated describing the request and action taken or not taken.

**3080.14** No person shall remove, prune, trim, cut or otherwise damage a tree that is located in the parkway or median, or cause, permit, direct, or knowingly allow the removal, pruning, trimming, cutting, or damaging of a parkway or median tree, unless authorized to do so pursuant to this Policy.

**3080.20** Tree Planting and Nurturing: All parkways at private residences shall have at least one tree, where feasible, and those currently without a tree(s) will have a tree(s) planted by the District as funds become available. Appropriately spaced tree plantings are required along the parkways of public properties, where feasible (e.g. parks, schools, flood control channels, etc.).

**3080.21** Tree planting locations shall be determined by the District's Tree Consultant and/or Arborist and be based on recognized standards for the planting of trees.

**3080.22** The District shall maintain a tree-planting program consistent with budgeted funds.

**3080.23** The District shall maintain an inventory of all parkway and Rossmoor Way median trees. The District shall also maintain a current list of all potential sites for planting a tree within all public right of ways.

**3080.24** Site selections for new tree plantings shall be based on a computerized inventory of Rossmoor parkway trees and vacant sites maintained by the District.

**3080.25** New tree plantings shall be accomplished in accordance with the Rossmoor Parkway Tree Planting Specifications (Arborist Scope of Services) maintained by the General Manager.

**3080.26** Trees planted by the District will minimally be in 24"box containers. Should budget constraints arise or a 24" box tree of a specific species not be available, a 15-gallon container tree may be substituted.

**3080.27** A list of tree varieties approved by the Board for new or replacement trees shall be maintained by the District. The Tree Consultant shall recommend and the District shall select tree species based on the specified predominant tree species of the block if the tree is still on the approved species list and other factors such as availability or an alternate tree from the approved list of trees with similar characteristics.

**3080.28** The General Manager shall maintain a Notification of Tree Planting document that specifies the required care of parkway trees. This includes instructions for newly planted parkway trees. The document shall be provided to each homeowner/resident of a newly planted parkway tree.

**3080.29** The homeowner/resident has the responsibility for watering and caring for the parkway trees adjacent to their property in accordance with District instructions. A tree that must be replaced due to lack of care on the part of a homeowner/resident will require the homeowner/resident to pay the District for a replacement tree of the same or like species and size.

**3080.30** Tree Trimming and Protection: Trees shall be trimmed by the District, or as otherwise authorized herein, to maintain safety and clearance standards established by the County.

**3080.31** Specifications delineating aesthetic tree trimming shall be in accordance with the requirements of the American National Standards Institute (ANSI A 300) maintained by the General Manager and shall become a part of any tree trimming contracts awarded by the District.

**3080.32** The District shall maintain a tree trimming schedule for all parkway and median trees. Each tree shall be trimmed at least once every four years or as necessary according to species. Homeowners/residents desiring more frequent trimming or pruning by the District can request such at the District office for a fee, which fee reflects the cost to the District, or may request a Resident Tree Trimming Permit. District tree trimming shall only be performed by the District's contract arborist.

**3080.33** Notification by mail or by posting at the residence of scheduled tree planting or removal may be sent by the District to the homeowner/resident at least two (2) weeks prior to the planned work except for emergency safety removals by the County.

**3080.34** Resident Tree Trimming Permits. As an alternative or in addition to the tree trimming procedures set forth in section 3080.32, the General Manager may issue a permit to the owner and/or resident of real property to trim and/or prune any parkway tree on or adjacent to that real property. The General Manager shall promulgate rules and forms as necessary to administer the Tree Trimming Permit program. The decision of the General Manager to deny, revoke or rescind a permit may be appealed to the Board of Directors pursuant to the procedures set forth in section 3080.84(2). The following minimum requirements shall apply to the permit:

- (1) The trimming shall only be conducted by a licensed landscape contractor that has been pre-approved by the District;

- (2) The owner/resident shall pay all required permit fees; and
- (3) The owner/resident shall comply with all terms of the permit.

**3080.40 Tree Removal:** Only trees that are dead, structurally unsound or are creating problems that cannot be corrected without causing the tree to die or become unstable will be removed.

**3080.41** Valid reasons for removing trees:

- A dead, rotting or seriously diseased tree that presents a danger of structural failure.
- Trees that present a hazard, such as a tree with weak roots, a tree with a split trunk or a tree with falling limbs that cannot be corrected with trimming.
- A diseased or insect infested tree that is a serious threat to nearby trees if removal is the best pest or disease control option.
- An unauthorized tree of the wrong species for its location
- Hardscape (sidewalks, curbs, driveways etc.) damage that requires repairs and if such repairs cannot be made without causing severe root damage that renders the tree structurally unsound.
- If in order to repair or replace a lateral sewer line, it is necessary to remove significant tree roots that would undermine the structural integrity of a tree. This need must be demonstrated to the District by the homeowner through video evidence of the location and extent of damage to the sewer lateral. During excavation, the sewer line must be exposed and be available to the District for a visual inspection to determine the need for the tree removal.
- Home remodeling that requires removal of a tree. If this is driveway relocation, the homeowner must have a building permit and plot plan showing the tree to be removed is less than eight (8) feet from the proposed new driveway. The Homeowner must pay the District for the tree removal and the planting of a new 24-inch box tree selected by the District before the District will sign off on the building permit.
- Any reason deemed by the General Manager to be in the best interests of the District and/or homeowner/resident.

**3080.42** Non-valid reasons for removing trees:

- Nuisances, such as dropping leaves, root ridges in lawn, messy fruit, berries or flowers, etc.
- Roots getting into sewer lines. It is the responsibility of the homeowner/resident to maintain their sewer line so that leakage from a line is repaired promptly. This will avoid tree roots from seeking the seeping nutrients and moisture from the line.
- Invasion of roots into water meter box that can be remedied with root pruning. The General Manager will determine who is financially responsible for any necessary root pruning.
- Hardscape damage where repair coupled with root pruning can save the tree.

**3080.50 Requests for Tree Inspections, Trimming or Removal and Disposition:**

**3080.51** A request for parkway tree inspection, trimming or, removal may be made in person, by telephone or in writing to the District office. A CSR will be generated, an inspection will be performed and a disposition will be made by the District.

**3080.52** The action taken or not taken on a request will be reported back to the homeowner or his/her agent by the District. A requester has the right of appeal the final

disposition of the request by the General Manager to the Board on any actions taken/not taken.

**3080.60 Tree Protection:** Unauthorized and/or unpermitted removal, damage, and/or pruning to or of any portion of a parkway tree is a misdemeanor punishable by 6 months in jail and/or a \$1,000 fine. In addition to the penalties set forth in Policy No. 3098, the District may also seek restitution for damages to District property as set forth herein. In the case of complete tree removal, or unauthorized tree pruning or root removal resulting in a tree being damaged beyond recovery or such that it poses an unacceptable safety risk and has to be removed, the responsible person shall be liable to the District for: (a) the appraised value of the removed tree based on the International Society of Arboriculture (ISA) trunk formula method; and (b) the cost of a 24-inch box replacement tree. If unauthorized tree pruning results in a loss of 40% or more of the live crown the responsible person will be required to pay to the District the difference between the appraised tree value of the tree before and the appraised tree value after the damage occurred. The responsible person shall also be liable for any and all costs and expenses to the District caused by a violation of this policy, including but not limited to, any appraisal costs as set forth herein.

**3080.61** Parkway may not be cemented, bricked or covered with vegetation which prevents the planting of a parkway tree. In addition, such paving-over, cementing-over or other covering of a parkway shall be subject to the applicable permitting or other approval requirements of the County of Orange. For example, and not by way of limitation, any such paving-over, cementing-over or other covering of a parkway shall be subject to the applicable urban storm water runoff permit regulations as set forth in the applicable National Pollution Discharge Elimination System (NPDES) permit program as established and administered by the County of Orange or other applicable state or regulatory body.

**3080.62** Parkway may be covered with grass or other plants, so long as such grass or plants are not more than two (2) feet high or closer than 1½ feet from the base of the tree. Artificial turf shall not be installed closer than three (3) feet from the base of the tree. Any work on the parkway that could involve the pruning of tree roots larger than two (2) inches in diameter must first be approved by the District.

**3080.63** No swings or attachments of any type may be placed on parkway or median trees.

**3080.70 Retention of Arborist:** The District will retain an ISA certified arborist to assist the General Manager in the performance of specifications called out in the Scope of Services as detailed in the Agreement with the contract arborist.

**3080.80 Enforcement of Policy:**

**3080.81** Pursuant to Government Code Section 61600(j) and (k), the District has the authority to perform work and improvements on or about any street in Rossmoor, subject to the consent of the County.

**3080.82** Pursuant to Government Code Section 61621.5(c), Resolution 99-1-13-1 provides that the County has granted the District the power of a county road commissioner to regulate certain activities. In its role as a County Road Commissioner, the District may regulate and perform certain activities in connection with the planting, removing, cutting, injuring or destroying any tree, shrub, plant or flower growing on any parkway or median. Pursuant to Government Code Section 61621.5(c) and Streets and Highways Code Section 1460, anyone who violates this policy will be subject to the appropriate legal remedy including liability for all expenses and damages caused thereby to the County and/or the District and could be found criminally liable for a misdemeanor.

**3080.83** The District may notify the responsible person of any violation of this policy. If the responsible person refuses to correct the violation after such notification, the District shall pursue other appropriate legal remedies for the collection of damages in order to compensate the District for all costs and expenses caused by the violation of this policy. Nothing in this policy shall require the District to notify the responsible person prior to initiating a criminal action and/or issuing an administrative citation.

**3080.84** The District may enforce this Policy by criminal, civil, and/or administrative action and/or citation. In order for the District to proceed by civil action to enforce or otherwise seek restitution for a violation of this Policy the following procedures shall apply:

- (1) Send the Person a Notice/Demand Letter. The General Manager or his or her designee shall notify any person that his or her actions are in violation of this policy and may provide that person with the opportunity to correct the violation and/or pay the expenses and damages the District incurred in correcting the violation. A demand for such payment shall be in the form of a notice/demand letter which sets forth the violation and the amount due and owing. In regard to correcting the violation, the District may take the initiative to correct the violation, such as replanting a parkway tree and also take the initiative in pursuing recovery of costs and expenses. The notice/letter may also state that the resident must refrain in the future from taking such action that caused the violation to occur. The General Manager shall send a letter via first class mail to the address at which the violation occurred and/or to the last known address of the person causing the violation.
- (2) Appeal to the Board. Any person who disputes the decision of the General Manager sent pursuant to subsection (1), above, may appeal that decision to the Board by filing a written request to the General Manager for the matter to be placed on the Board Agenda for the next scheduled Regular Board meeting and payment of the appeal fee as set forth in the Fee Schedule. Any such appeal must be in writing and must be delivered to the General Manager along with the applicable fee within ten (10) calendar days of the contested action and must state the specific action or inaction that is being challenged. The matter shall be placed on a subsequent Board Agenda if there is insufficient time to place the matter on the agenda for the next regularly scheduled meeting of the Board. The Board shall hold a hearing, admit evidence, and shall render a decision on the matter. The decision of the Board shall be final.
- (3) Civil Litigation. If any person fails or refuses to correct the violation and/or pay the amount owed, the District may pursue civil litigation, including, but not limited to an action for injunctive, declaratory and/or other relief to remedy the violation, prevent future violations and/or obtain a judgment to recover the expenses and damages caused by the violation.

**3080.85** Nuisance Enforcement by Civil Action & Attorney's Fees.

- (1) In addition to any other penalties authorized by law, any condition caused or permitted to exist in violation of this Policy shall be deemed a public nuisance and may be abated as such. Each and every day such condition continues shall be regarded as a new and separate offense.
- (2) In addition to other penalties and enforcement mechanisms authorized by law, this Policy may be enforced by injunction issued by the superior court upon the suit of the District.

- (3) In any action, administrative proceeding or special proceeding commenced by the District to abate a public nuisance, to enjoin a violation of any provision of this Policy, to enforce the provisions of this Policy, or to collect a civil debt owing to the District pursuant to this Policy, the prevailing party shall be entitled to recover its reasonable attorney's fees. The recovery of attorney's fees by the prevailing party is limited to those individual actions or proceeding in the District elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorney's fees. Failure to make such an election precludes any entitlement to, or award of, attorney's fees in favor of any person or the District. In no action, administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the District in the action or proceeding.

**3080.90 Tree/Parkway Committee:** The Tree/Parkway Committee is comprised of two Board Members and the General Manager. The President of the Board appoints the members to the Committee. The General Manager shall also provide a quarterly report to the Board giving a summary of all parkway and median tree plantings, trimmings, inspections and removals.

**3080.100 Damage Claims:** Claims for damages allegedly caused by parkway or median trees should be filed with the District. Such claims will be processed in accordance with District Procedures.

**3080.110 Terms:** Following are terms as used in this policy:

- **Manicure Trimming**—Ongoing yearly high quality trimming designed to maintain the shape and characteristics of the tree (commonly referred to as resort style which includes lacing of the canopy). This is not the type of tree trimming as performed by the District.
- **Aesthetic Trimming (pruning)**—Appropriate trimming performed by the District's arborist designed to maintain the general shape of the tree and eliminating dead, damaged or diseased branches and maintaining safety and clearance standards.
- **Grid Trimming**—Regularly scheduled and ongoing aesthetic trimming on a four year cycle performed by the District's contract Arborist according to a four section grid map of Rossmoor.
- **Safety Trimming**—Performed on an as-needed basis when a tree is identified as posing a hazard to property, street traffic or pedestrian traffic.
- **Root pruning**—The cutting of roots to facilitate the replacement of curbs, gutters or sidewalks.
- **Responsible person** – means any person who violates, or who causes, permits, directs, or knowingly allows another person to violate, any of the provisions of this policy.
- **Appraised value** – shall be based on the International Society of Arboriculture (ISA) trunk formula method which uses a formula to establish the monetary value of a tree based on its size, condition, species, and location.
- **Responsible person** – shall have the same meaning as in Policy No. 3098.



**3080.120 Challenging The Administrative and Quasi-Judicial Actions Of The District - Time In Which Actions Must Be Brought.**

Any action challenging a final administrative order or decision by the District made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken, and discretion regarding a final and non-appealable determination of facts is vested in the District, or in any or its boards, commissions, officers or employees, must be filed within the time limits set forth in California Code of Civil Procedure Section 1094.6.

Adopted: September 10, 2002  
Approved renumbering & format: October 10, 2002  
Reaffirmed: December 10, 2002  
Amended: December 9, 2003  
Amended: April 13, 2004  
Amended October 12, 2004  
Amended: July 12, 2005  
Amended: December 13, 2005  
Amended: April 13, 2010  
Amended: June 14, 2011  
Amended: November 12, 2013  
Readopted by Ordinance 2014-01: January 14, 2014  
Amended and Readopted by Ordinance 2015-02: April 14, 2015  
Amended and Readopted by Ordinance 2019-02: January 14, 2020

**ROSSMOOR COMMUNITY SERVICES DISTRICT**

**AGENDA ITEM C-2**

**Date:** February 28, 2022

**To:** Tree Committee  
Director Nathan Searles  
Director Tony DeMarco

**From:** General Manager Joe Mendoza  
Initiated by Mary Kingman, District Arborist

**Subject:** CITIZEN REQUEST FOR REMOVAL OF A WHITE ALDER TREE FROM THE FRONT PARKWAY AT 3262 OAK KNOLL DRIVE

**RECOMMENDATION**

The RCSD General Manager recommends that the Tree Committee review and respond to resident Ms. Epstein's request to the District to have the tree in the parkway in front of her home removed.

**BACKGROUND**

Rossmoor resident and homeowner Angela Epstein requests the removal of the parkway tree in front of her home at 3262 Oak Knoll Drive. She has stated the reasons for her request as being that she believes that the pods that the tree drops are hazardous to pedestrians and wheelchair-bound neighbors, that the tree roots will eventually affect her sewer system and that the sidewalk in front of her home is lifting due to the tree's roots. The tree in question is a *Alnus rhombifolia* common name White Alder. The tree is between 45 and 60 years of age and has an estimated value of \$6,080.00.

Ms. Epstein originally contacted District Arborist Mary Kingman via email on January 13, 2015, requesting that the tree be removed due to the litter it dropped onto the sidewalk, street, and vehicles. At that time, Ms. Kingman explained the tree did not qualify for removal under the RCSD Tree Policy. Ms. Epstein sent a previous request for tree removal to former District Tree Consultant Randy Reynolds on May 4, 2010. Her request for removal at that time was due to seed pods dropped by the tree. There was no record of a follow-up response to that request. Ms. Epstein contacted the Ms. Kingman again on January 28, 2021, with concern about rats jumping from the tree onto her roof and requesting the tree be trimmed before branches get close to her roof. The tree was inspected, and Tree Assistant Joel Perez trimmed a branch that was extending over her yard. The tree received a complete trim as part of the regular grid trim for the area on November 18, 2021. An inspector from Orange County Public Works evaluated the sidewalk at 3262 Oak Knoll Drive on December 20, 2021 and did not find a trip hazard at the location.

**ATTACHMENTS**

1. Information on White Alder tree and statistics on species inventory in Rossmoor
2. Arborist report on the tree

3. Copies of mail and email requests from Ms. Epstein.
4. District protocol for tree roots in sewer lines
5. RCSD Policy No. 3080 Parkway and Rossmoor Way Median Tree Maintenance

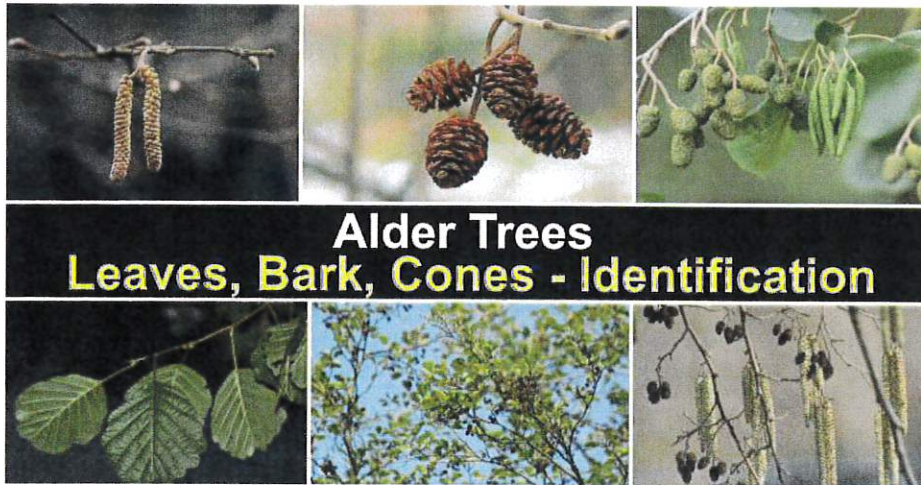
**STATISTICS ON WHITE ALDER TREE INVENTORY IN ROSSMOOR**

- Species: *Alnus rhombifolia* – White Alder
- Tree native to California.
- Life expectancy average of 60-100 years, but this can vary according to location, soil type, tree care practices and pest/disease prevalence.
- The species planted in Rossmoor during the 1970s through the early 2000s.
- 136 White Alder trees planted in Rossmoor parks and parkways.
- Planted on many Rossmoor streets with the majority planted on Ruth Elaine Drive and Oak Knoll Drive.
- The average height is 45'.
- Total estimated value for all 136 White Alder trees is \$ \$577,510.00
- 1 recorded failures of limbs 2" or more in diameter since 2012.
- 5 recorded tree failures since 2012.
- 0 claims of property damage from Rossmoor White Alder trees since 2012.
- There have been zero reports of personal injury from White Alder trees in Rossmoor since at least 2012, when current Arborist began keeping records.
- 155 White Alder trees removed since 2013 due to disease.
- No longer planted as a street tree due to disease prevalence, high-water requirements, and high root damage potential.

February 18, 2022

**Arborist Report on White Alder Parkway Tree at 3262 Oak Knoll Drive, Rossmoor, California**

**BACKGROUND:** *Alnus rhombifolia* is a deciduous tree native to riparian canyons of western California that can reach 40' in 15 years and 50' or more at maturity, featuring a conical, upright shape with a smooth gray trunk that becomes plated and crackled with age. It produces bright green leaves, yellow flowering catkins and small brown cones. The tree became popular throughout the region as a street and park tree until recently when the species became known as a host to a fungus known as *Phytophthora siskiyouensis* which has killed many White Alder trees on the West Coast, including a total of 155 in Rossmoor since 2012.



**OBSERVATIONS:** On February 17, 2022, I performed a Level 2 inspection on a *Alnus rhombifolia* tree, commonly known as White Alder planted in the front parkway of 3262 Oak Knoll Drive. The tree is approximately 45 feet tall with a crown spread of 30'. The was planted by the RCSD on January 13, 2004, making it 17 years of age and with an estimated value of \$9,830.00. The tree is growing in the front parkway of the home in turf grass that is watered with a spray irrigation system. The tree has a nicely balanced crown and good structure, with no codominant stems or defects. At the time of inspection, the tree was coming out of its dormancy with new leaf growth appearing throughout the crown. I did not observe any sign of pest or disease in the crown or trunk or any sign of wood decay within the tree.

**HISTORY:** There are no known histories of limb failures on this tree. The tree has been trimmed regularly by District tree contractor West Coast Arborists, Inc. as shown in the attached work history.

Crew	Date	Work Type / Comments	Job # / Acct #	Invoice#
WCA	11/18/2021	Grid Prune	62534	180231
WCA	12/13/2017	Tree Pruning 7-18 DSH	39611	132308
WCA	10/08/2013	Tree Pruning 7-18 DSH	25232	91718
WCA	07/31/2009	Tree Pruning 7-18 DSH	14464	60475
WCA	07/17/2008	Tree Pruning 7-18 DSH	12732	54195
WCA	01/19/2006	Tree Pruning 7-18 DSH	8432	40563-R
WCA	12/23/2004	Tree Pruning 0-6 DSH	7146	35331
WCA	01/13/2004	Plant 15 Gal w/o RB (WHITE ALDER)	6565	30930

**SUMMARY:** Based on my visual observations of the tree at the time of inspection, I do not have concern that this tree is hazardous or at risk of failure. The tree appears to be healthy and not showing signs of pest or disease.

Mary Kingman  
District Arborist  
ISA Certified Arborist #WE-11440A  
ISA Qualified Risk Assessor (TRAQ)  
[mkingman@rossmoor-csd.org](mailto:mkingman@rossmoor-csd.org)

**Photos by Mary Kingman February 18, 2022**



**Mary Kingman**

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**From:** Joe Mendoza  
**Sent:** Thursday, December 23, 2021 12:26 PM  
**To:** Angie Epstein  
**Cc:** Jeffrey Barke; Mary Kingman  
**Subject:** FW: OCPW REQUEST OC21-033624 - 3262 Oak Knoll Dr  
**Attachments:** IMG\_8237.JPG; IMG\_8238.JPG; IMG\_8239.JPG

Angie,

I understand you are frustrated with the tree in your parkway and would like to have it removed. As we discussed in the past, Rossmoor Community Services District staff has been monitoring and inspecting the tree on a regular basis. To date the tree is healthy and does not warrant removal. I would like to address each concern you outlined in your recent email:

- The pods that the tree produces are small cones with long catkins. While they are a hindrance the pods are not large or hard enough to cause a tripping hazard. This tree (White Alder) is very common in Rossmoor, and we have approximately 136 within the community. Yes, we are no longer planting this species due to its high susceptibility to a particular disease. Again, these trees will be removed when they warrant removal due to health issues.
- Regarding the sidewalk in front of your home and your neighbor's home, our staff contacted Orange County Public Works to request a work order and inspection. At your home OCPW found two sidewalk panels are slightly lifted, however they are still joined together without creating a step that could cause somebody to trip (see attached photos). Your neighbor's home at 3272 Oak Knoll Drive has been previously written up by the County area inspector (WO R000356373) and the sidewalk has been marked for repair.
- The root system concern is an ongoing issue within our District and agencies throughout California. A tree's roots system can be a potential pipe/sewer issue. However, a tree does not warrant removal due to potential damages that may occur.

Again, your tree will be monitored on a regular basis. The tree was recently trimmed on Nov. 18, 2021, as part of the grid-pruning cycle.

Regarding your request for the District's Tree Committee to review your complaint, a meeting will be held in the first quarter of 2022. I will keep you posted when a date and time is set.

Wishing your family,

**Joe Mendoza**

General Manager  
 Rossmoor Community Services District



3001 Blume Drive  
Rossmoor, CA 90720  
Ph: 562-430-3707 x103  
Email: [jmendoza@rossmoor-csd.org](mailto:jmendoza@rossmoor-csd.org)  
Website: <http://www.rossmoor-csd.org>

a HAPPY HOLIDAY SEASON!



**From:** Angie [mailto:aepstein1@socal.rr.com]  
**Sent:** Wednesday, January 14, 2015 11:25 AM  
**To:** Mary Kingman  
**Subject:** Re: Oak knoll Drive 3262 Tree Issue

Really? This is your short response? I will give the rep from the county your information, he is extremely concerned about the storm drains. Not my problem..., yours...

Sent from my iPhone

On Jan 14, 2015, at 11:20 AM, Mary Kingman <[mkingman@rossmoor-csd.org](mailto:mkingman@rossmoor-csd.org)> wrote:

Dear Mrs. Epstein,

Healthy trees are not removed due to litter or dropping problems, as stated in the attached RCSD Parkway Tree Policy, section **3080.42**

Thank you,

*Mary Kingman*

*Tree Consultant*

[mkingman@rossmoor-csd.org](mailto:mkingman@rossmoor-csd.org)

[www.rossmoor-csd.org](http://www.rossmoor-csd.org)

Rossmoor Community Services District  
3001 Blume Drive, Rossmoor, CA 90720  
562.430.3707

**From:** Angie Epstein [mailto:aepstein1@socal.rr.com]  
**Sent:** Tuesday, January 13, 2015 12:53 PM  
**To:** Mary Kingman  
**Cc:** Ralph Epstein; Ralph Epstein  
**Subject:** Oak knoll Drive 3262 Tree Issue

Dear Mary,  
I am the homeowner of 3262 Oak Knoll Drive in Rossmoor and received a visit from the county regarding all the tree leaves and pods that are going into the sewer. In addition the neighbor next door has the same tree and this complicates the situation. It is a horribly messy tree that every winter makes a huge mess on the street, walkways and vehicles. This County Representative was concerned and said it is a huge problem with these trees. I am not going to clean up every day after this tree. I did not plant it and although it is beautiful in the Spring/Summer, it is a real headache in the Winter. In the past I have had to purchase vehicle covers for our vehicles because the pods that drop take off paint off, even if we park in our own driveway.

I have indicated over the past years that I would pay to remove the tree and also pay to plant a new one however, the previous general manager (puppet as I choose to call him) had the board in his pocket and refused my offer.

I urge you to swing by sometime and see what the county representative was talking about. This is a disgrace and real mess when it gets into the sewer. I am not the clean up crew for Rossmoor trees. I did not plant it and I will not clean up after it, this is Rossmoor Community Services District's responsibility.

Attached is a picture for your viewing convenience incase you are not able to take a look.

<image001.jpg>

This was in just ONE day. Look in the street!

Angie Epstein

[aepstein1@socal.rr.com](mailto:aepstein1@socal.rr.com)

May 4, 2010

RCSD  
3001 Blume Dr.  
Rossmoor, CA 90720  
Attn: Randy Reynolds

Dear Randy,

I have spoken to you previously regarding the tree that was planted in front of my home at 3262 Oak Knoll Drive in Rossmoor.

This is a tree that they no longer plant because of the horrible mess it creates. It is leaving pods all over my roof, grass, sidewalk and street. It is also leaving the pods on my Mercedes and F450 truck and the paint is starting to come off as a result. You recommended that I attend a board meeting and have the topic added to the agenda if I wanted the tree removed.

I wasn't able to attend the meeting as my mother has been sick. I shouldn't have to leave my family to attend a meeting to have a bothersome tree removed in which it is making a horrible mess all over the street, sidewalks and cars. I am asking for this tree to be removed immediately. My neighbors are also irritated with this tree as when they walk, they track the pods into their home.

I have NO objections of having a tree in front of my home, in fact, I would love a decent tree there. I am willing to purchase another tree once this one is removed.

I cannot tolerate the pods dropped on my cars. I will eventually end up having to file a claim with RCSD for new paint jobs if this tree isn't removed soon. There are several orange X's on other trees that are going to be removed. This is a perfect time to add the orange X to this tree and have it taken care of once and for all.

I would appreciate your prompt attention to this matter.

Sincerely,

Mr. Ralph Epstein and Mrs. Angela Epstein

Cc:davertandloe/Dave Loe attorney at law

## RCSD PROTOCOL FOR TREE ROOTS IN SEWER LINES

The original sewer systems in Rossmoor are now over 60 years of age and will likely have deteriorated underground, due to their age and the materials use when they were constructed. The pipes would have originally been connected using a clay material that breaks down over time. Tree roots encroaching into lateral sewer lines are due to breakages in these deteriorated lines. The tree seeks the seeping nutrients and moisture. Repairing or replacing the deteriorated sewer line will correct the tree root problems since tree roots do not have the ability to force their way into a solid material such as the thick plastic PVC which is now used for sewer pipes.

The RCSD policy is to preserve our valuable urban forest and not to remove healthy trees. An exception will be made if it is necessary to cut away significant tree roots that would undermine the structural integrity of the tree while replacing or repairing a sewage line.

For removal to be considered, the resident must prove that the sewer line connection sits directly under the tree and cannot be repaired due to the tree or its roots.

District Insurance carrier California JPIA has stated that their policy regarding claims for residential sewer line repair will be looked at on a case-by-case basis to determine whether the sewer line damage is due to a homeowner maintenance issue or a tree root issue.

Mary Kingman  
District Arborist  
Rossmoor Community Services District  
3001 Blume Drive, Rossmoor, CA 90720

Rossmoor Community Services District

Policy

No. 3080

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**PARKWAY AND ROSSMOOR WAY MEDIAN TREE  
MAINTENANCE**

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**3080.00** Parkway and Median: A parkway, as described in this Policy, is the County of Orange (County) owned area between the sidewalk and curb. The median is the County owned area dividing Rossmoor Way.

**3080.10** Public Property: Parkway and median trees are public, not private property. Every reasonable effort will be made to preserve this natural resource in order to retain and improve this local scenic and environmental asset.

**3080.11** Homeowners, residents or their agents shall not plant, trim or remove parkway and median trees, except as expressly provided for in this Policy. The Rossmoor Community Services District (District) has the authority and responsibility to plant and trim trees either directly or through the County or other third parties. The District recommends removals to the County and the County has the authority to remove trees.

**3080.12** The County of Orange is responsible for the preventative or remedial tree root pruning to aid in the control of sidewalk, curb and gutter damage. The District will coordinate with the County to perform this work and any other alternatives to tree removal.

**3080.13** Request for inspections, planting, trimming or removal shall be made with the District office. A Customer Service Request (CSR) shall be initiated describing the request and action taken or not taken.

**3080.14** No person shall remove, prune, trim, cut or otherwise damage a tree that is located in the parkway or median, or cause, permit, direct, or knowingly allow the removal, pruning, trimming, cutting, or damaging of a parkway or median tree, unless authorized to do so pursuant to this Policy.

**3080.20** Tree Planting and Nurturing: All parkways at private residences shall have at least one tree, where feasible, and those currently without a tree(s) will have a tree(s) planted by the District as funds become available. Appropriately spaced tree plantings are required along the parkways of public properties, where feasible (e.g. parks, schools, flood control channels, etc.).

**3080.21** Tree planting locations shall be determined by the District's Tree Consultant and/or Arborist and be based on recognized standards for the planting of trees.

**3080.22** The District shall maintain a tree-planting program consistent with budgeted funds.

**3080.23** The District shall maintain an inventory of all parkway and Rossmoor Way median trees. The District shall also maintain a current list of all potential sites for planting a tree within all public right of ways.

**3080.24** Site selections for new tree plantings shall be based on a computerized inventory of Rossmoor parkway trees and vacant sites maintained by the District.

**3080.25** New tree plantings shall be accomplished in accordance with the Rossmore Parkway Tree Planting Specifications (Arborist Scope of Services) maintained by the General Manager.

**3080.26** Trees planted by the District will minimally be in 24" box containers. Should budget constraints arise or a 24" box tree of a specific species not be available, a 15-gallon container tree may be substituted.

**3080.27** A list of tree varieties approved by the Board for new or replacement trees shall be maintained by the District. The Tree Consultant shall recommend and the District shall select tree species based on the specified predominant tree species of the block if the tree is still on the approved species list and other factors such as availability or an alternate tree from the approved list of trees with similar characteristics.

**3080.28** The General Manager shall maintain a Notification of Tree Planting document that specifies the required care of parkway trees. This includes instructions for newly planted parkway trees. The document shall be provided to each homeowner/resident of a newly planted parkway tree.

**3080.29** The homeowner/resident has the responsibility for watering and caring for the parkway trees adjacent to their property in accordance with District instructions. A tree that must be replaced due to lack of care on the part of a homeowner/resident will require the homeowner/resident to pay the District for a replacement tree of the same or like species and size.

**3080.30** Tree Trimming and Protection: Trees shall be trimmed by the District, or as otherwise authorized herein, to maintain safety and clearance standards established by the County.

**3080.31** Specifications delineating aesthetic tree trimming shall be in accordance with the requirements of the American National Standards Institute (ANSI A 300) maintained by the General Manager and shall become a part of any tree trimming contracts awarded by the District.

**3080.32** The District shall maintain a tree trimming schedule for all parkway and median trees. Each tree shall be trimmed at least once every four years or as necessary according to species. Homeowners/residents desiring more frequent trimming or pruning by the District can request such at the District office for a fee, which fee reflects the cost to the District, or may request a Resident Tree Trimming Permit. District tree trimming shall only be performed by the District's contract arborist.

**3080.33** Notification by mail or by posting at the residence of scheduled tree planting or removal may be sent by the District to the homeowner/resident at least two (2) weeks prior to the planned work except for emergency safety removals by the County.

**3080.34** Resident Tree Trimming Permits. As an alternative or in addition to the tree trimming procedures set forth in section 3080.32, the General Manager may issue a permit to the owner and/or resident of real property to trim and/or prune any parkway tree on or adjacent to that real property. The General Manager shall promulgate rules and forms as necessary to administer the Tree Trimming Permit program. The decision of the General Manager to deny, revoke or rescind a permit may be appealed to the Board of Directors pursuant to the procedures set forth in section 3080.84(2). The following minimum requirements shall apply to the permit:

- (1) The trimming shall only be conducted by a licensed landscape contractor that has been pre-approved by the District;

- (2) The owner/resident shall pay all required permit fees; and
- (3) The owner/resident shall comply with all terms of the permit.

**3080.40 Tree Removal:** Only trees that are dead, structurally unsound or are creating problems that cannot be corrected without causing the tree to die or become unstable will be removed.

**3080.41** Valid reasons for removing trees:

- A dead, rotting or seriously diseased tree that presents a danger of structural failure.
- Trees that present a hazard, such as a tree with weak roots, a tree with a split trunk or a tree with falling limbs that cannot be corrected with trimming.
- A diseased or insect infested tree that is a serious threat to nearby trees if removal is the best pest or disease control option.
- An unauthorized tree of the wrong species for its location
- Hardscape (sidewalks, curbs, driveways etc.) damage that requires repairs and if such repairs cannot be made without causing severe root damage that renders the tree structurally unsound.
- If in order to repair or replace a lateral sewer line, it is necessary to remove significant tree roots that would undermine the structural integrity of a tree. This need must be demonstrated to the District by the homeowner through video evidence of the location and extent of damage to the sewer lateral. During excavation, the sewer line must be exposed and be available to the District for a visual inspection to determine the need for the tree removal.
- Home remodeling that requires removal of a tree. If this is driveway relocation, the homeowner must have a building permit and plot plan showing the tree to be removed is less than eight (8) feet from the proposed new driveway. The Homeowner must pay the District for the tree removal and the planting of a new 24-inch box tree selected by the District before the District will sign off on the building permit.
- Any reason deemed by the General Manager to be in the best interests of the District and/or homeowner/resident.

**3080.42** Non-valid reasons for removing trees:

- Nuisances, such as dropping leaves, root ridges in lawn, messy fruit, berries or flowers, etc.
- Roots getting into sewer lines. It is the responsibility of the homeowner/resident to maintain their sewer line so that leakage from a line is repaired promptly. This will avoid tree roots from seeking the seeping nutrients and moisture from the line.
- Invasion of roots into water meter box that can be remedied with root pruning. The General Manager will determine who is financially responsible for any necessary root pruning.
- Hardscape damage where repair coupled with root pruning can save the tree.

**3080.50 Requests for Tree Inspections, Trimming or Removal and Disposition:**

**3080.51** A request for parkway tree inspection, trimming or, removal may be made in person, by telephone or in writing to the District office. A CSR will be generated, an inspection will be performed and a disposition will be made by the District.

**3080.52** The action taken or not taken on a request will be reported back to the homeowner or his/her agent by the District. A requester has the right of appeal the final

disposition of the request by the General Manager to the Board on any actions taken/not taken.

**3080.60 Tree Protection:** Unauthorized and/or unpermitted removal, damage, and/or pruning to or of any portion of a parkway tree is a misdemeanor punishable by 6 months in jail and/or a \$1,000 fine. In addition to the penalties set forth in Policy No. 3098, the District may also seek restitution for damages to District property as set forth herein. In the case of complete tree removal, or unauthorized tree pruning or root removal resulting in a tree being damaged beyond recovery or such that it poses an unacceptable safety risk and has to be removed, the responsible person shall be liable to the District for: (a) the appraised value of the removed tree based on the International Society of Arboriculture (ISA) trunk formula method; and (b) the cost of a 24-inch box replacement tree. If unauthorized tree pruning results in a loss of 40% or more of the live crown the responsible person will be required to pay to the District the difference between the appraised tree value of the tree before and the appraised tree value after the damage occurred. The responsible person shall also be liable for any and all costs and expenses to the District caused by a violation of this policy, including but not limited to, any appraisal costs as set forth herein.

**3080.61** Parkway may not be cemented, bricked or covered with vegetation which prevents the planting of a parkway tree. In addition, such paving-over, cementing-over or other covering of a parkway shall be subject to the applicable permitting or other approval requirements of the County of Orange. For example, and not by way of limitation, any such paving-over, cementing-over or other covering of a parkway shall be subject to the applicable urban storm water runoff permit regulations as set forth in the applicable National Pollution Discharge Elimination System (NPDES) permit program as established and administered by the County of Orange or other applicable state or regulatory body.

**3080.62** Parkway may be covered with grass or other plants, so long as such grass or plants are not more than two (2) feet high or closer than 1½ feet from the base of the tree. Artificial turf shall not be installed closer than three (3) feet from the base of the tree. Any work on the parkway that could involve the pruning of tree roots larger than two (2) inches in diameter must first be approved by the District.

**3080.63** No swings or attachments of any type may be placed on parkway or median trees.

**3080.70 Retention of Arborist:** The District will retain an ISA certified arborist to assist the General Manager in the performance of specifications called out in the Scope of Services as detailed in the Agreement with the contract arborist.

**3080.80 Enforcement of Policy:**

**3080.81** Pursuant to Government Code Section 61600(j) and (k), the District has the authority to perform work and improvements on or about any street in Rossmoor, subject to the consent of the County.

**3080.82** Pursuant to Government Code Section 61621.5(c), Resolution 99-1-13-1 provides that the County has granted the District the power of a county road commissioner to regulate certain activities. In its role as a County Road Commissioner, the District may regulate and perform certain activities in connection with the planting, removing, cutting, injuring or destroying any tree, shrub, plant or flower growing on any parkway or median. Pursuant to Government Code Section 61621.5(c) and Streets and Highways Code Section 1460, anyone who violates this policy will be subject to the appropriate legal remedy including liability for all expenses and damages caused thereby to the County and/or the District and could be found criminally liable for a misdemeanor.



**3080.83** The District may notify the responsible person of any violation of this policy. If the responsible person refuses to correct the violation after such notification, the District shall pursue other appropriate legal remedies for the collection of damages in order to compensate the District for all costs and expenses caused by the violation of this policy. Nothing in this policy shall require the District to notify the responsible person prior to initiating a criminal action and/or issuing an administrative citation.

**3080.84** The District may enforce this Policy by criminal, civil, and/or administrative action and/or citation. In order for the District to proceed by civil action to enforce or otherwise seek restitution for a violation of this Policy the following procedures shall apply:

- (1) Send the Person a Notice/Demand Letter. The General Manager or his or her designee shall notify any person that his or her actions are in violation of this policy and may provide that person with the opportunity to correct the violation and/or pay the expenses and damages the District incurred in correcting the violation. A demand for such payment shall be in the form of a notice/demand letter which sets forth the violation and the amount due and owing. In regard to correcting the violation, the District may take the initiative to correct the violation, such as replanting a parkway tree and also take the initiative in pursuing recovery of costs and expenses. The notice/letter may also state that the resident must refrain in the future from taking such action that caused the violation to occur. The General Manager shall send a letter via first class mail to the address at which the violation occurred and/or to the last known address of the person causing the violation.
- (2) Appeal to the Board. Any person who disputes the decision of the General Manager sent pursuant to subsection (1), above, may appeal that decision to the Board by filing a written request to the General Manager for the matter to be placed on the Board Agenda for the next scheduled Regular Board meeting and payment of the appeal fee as set forth in the Fee Schedule. Any such appeal must be in writing and must be delivered to the General Manager along with the applicable fee within ten (10) calendar days of the contested action and must state the specific action or inaction that is being challenged. The matter shall be placed on a subsequent Board Agenda if there is insufficient time to place the matter on the agenda for the next regularly scheduled meeting of the Board. The Board shall hold a hearing, admit evidence, and shall render a decision on the matter. The decision of the Board shall be final.
- (3) Civil Litigation. If any person fails or refuses to correct the violation and/or pay the amount owed, the District may pursue civil litigation, including, but not limited to an action for injunctive, declaratory and/or other relief to remedy the violation, prevent future violations and/or obtain a judgment to recover the expenses and damages caused by the violation.

**3080.85** Nuisance Enforcement by Civil Action & Attorney's Fees.

- (1) In addition to any other penalties authorized by law, any condition caused or permitted to exist in violation of this Policy shall be deemed a public nuisance and may be abated as such. Each and every day such condition continues shall be regarded as a new and separate offense.
- (2) In addition to other penalties and enforcement mechanisms authorized by law, this Policy may be enforced by injunction issued by the superior court upon the suit of the District.

- (3) In any action, administrative proceeding or special proceeding commenced by the District to abate a public nuisance, to enjoin a violation of any provision of this Policy, to enforce the provisions of this Policy, or to collect a civil debt owing to the District pursuant to this Policy, the prevailing party shall be entitled to recover its reasonable attorney's fees. The recovery of attorney's fees by the prevailing party is limited to those individual actions or proceeding in the District elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorney's fees. Failure to make such an election precludes any entitlement to, or award of, attorney's fees in favor of any person or the District. In no action, administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the District in the action or proceeding.

**3080.90 Tree/Parkway Committee:** The Tree/Parkway Committee is comprised of two Board Members and the General Manager. The President of the Board appoints the members to the Committee. The General Manager shall also provide a quarterly report to the Board giving a summary of all parkway and median tree plantings, trimmings, inspections and removals.

**3080.100 Damage Claims:** Claims for damages allegedly caused by parkway or median trees should be filed with the District. Such claims will be processed in accordance with District Procedures.

**3080.110 Terms:** Following are terms as used in this policy:

- **Manicure Trimming**—Ongoing yearly high quality trimming designed to maintain the shape and characteristics of the tree (commonly referred to as resort style which includes lacing of the canopy). This is not the type of tree trimming as performed by the District.
- **Aesthetic Trimming (pruning)**—Appropriate trimming performed by the District's arborist designed to maintain the general shape of the tree and eliminating dead, damaged or diseased branches and maintaining safety and clearance standards.
- **Grid Trimming**—Regularly scheduled and ongoing aesthetic trimming on a four year cycle performed by the District's contract Arborist according to a four section grid map of Rossmoor.
- **Safety Trimming**—Performed on an as-needed basis when a tree is identified as posing a hazard to property, street traffic or pedestrian traffic.
- **Root pruning**—The cutting of roots to facilitate the replacement of curbs, gutters or sidewalks.
- **Responsible person** – means any person who violates, or who causes, permits, directs, or knowingly allows another person to violate, any of the provisions of this policy.
- **Appraised value** – shall be based on the International Society of Arboriculture (ISA) trunk formula method which uses a formula to establish the monetary value of a tree based on its size, condition, species, and location.
- **Responsible person** – shall have the same meaning as in Policy No. 3098.

**3080.120 Challenging The Administrative and Quasi-Judicial Actions Of The District - Time In Which Actions Must Be Brought.**

Any action challenging a final administrative order or decision by the District made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken, and discretion regarding a final and non-appealable determination of facts is vested in the District, or in any or its boards, commissions, officers or employees, must be filed within the time limits set forth in California Code of Civil Procedure Section 1094.6.

Adopted: September 10, 2002  
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Readopted by Ordinance 2014-01: January 14, 2014  
Amended and Readopted by Ordinance 2015-02: April 14, 2015  
Amended and Readopted by Ordinance 2019-02: January 14, 2020

**ROSSMOOR COMMUNITY SERVICES DISTRICT**

**AGENDA ITEM C-3**

**Date:** February 28, 2022

**To:** Tree Committee  
Director Nathan Searles  
Director Tony DeMarco

**From:** General Manager Joe Mendoza  
Initiated by Mary Kingman, District Arborist

**Subject:** ENFORCEMENT OF DISTRICT TREE PLANTING POLICY

**RECOMMENDATION**

The Rossmoor Community Services District (RCSD) General Manager recommends that the Tree Committee review the policy and discuss options on how to proceed with enforcement of this policy.

**BACKGROUND**

RCSD Policy 3080 Parkway and Rossmoor Way Median Tree Maintenance, section 20 Tree Planting and Nurturing, states that *"All parkways at private residences shall have at least one tree, where feasible, and those currently without a tree(s) will have a tree(s) planted by the District as funds become available."* To date there are 43 tree parkways in which the property owner has either refused to allow a tree to be planted or refused to remove hardscape from the parkway that would allow room for a tree to be planted.

**ATTACHMENTS**

1. RCSD Policy No. 3080 Parkway and Rossmoor Way Median Tree Maintenance

Rossmoor Community Services District

Policy

No. 3080

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**PARKWAY AND ROSSMOOR WAY MEDIAN TREE  
MAINTENANCE**

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**3080.00** Parkway and Median: A parkway, as described in this Policy, is the County of Orange (County) owned area between the sidewalk and curb. The median is the County owned area dividing Rossmoor Way.

**3080.10** Public Property: Parkway and median trees are public, not private property. Every reasonable effort will be made to preserve this natural resource in order to retain and improve this local scenic and environmental asset.

**3080.11** Homeowners, residents or their agents shall not plant, trim or remove parkway and median trees, except as expressly provided for in this Policy. The Rossmoor Community Services District (District) has the authority and responsibility to plant and trim trees either directly or through the County or other third parties. The District recommends removals to the County and the County has the authority to remove trees.

**3080.12** The County of Orange is responsible for the preventative or remedial tree root pruning to aid in the control of sidewalk, curb and gutter damage. The District will coordinate with the County to perform this work and any other alternatives to tree removal.

**3080.13** Request for inspections, planting, trimming or removal shall be made with the District office. A Customer Service Request (CSR) shall be initiated describing the request and action taken or not taken.

**3080.14** No person shall remove, prune, trim, cut or otherwise damage a tree that is located in the parkway or median, or cause, permit, direct, or knowingly allow the removal, pruning, trimming, cutting, or damaging of a parkway or median tree, unless authorized to do so pursuant to this Policy.

**3080.20** Tree Planting and Nurturing: All parkways at private residences shall have at least one tree, where feasible, and those currently without a tree(s) will have a tree(s) planted by the District as funds become available. Appropriately spaced tree plantings are required along the parkways of public properties, where feasible (e.g. parks, schools, flood control channels, etc.).

**3080.21** Tree planting locations shall be determined by the District's Tree Consultant and/or Arborist and be based on recognized standards for the planting of trees.

**3080.22** The District shall maintain a tree-planting program consistent with budgeted funds.

**3080.23** The District shall maintain an inventory of all parkway and Rossmoor Way median trees. The District shall also maintain a current list of all potential sites for planting a tree within all public right of ways.

**3080.24** Site selections for new tree plantings shall be based on a computerized inventory of Rossmoor parkway trees and vacant sites maintained by the District.

**3080.25** New tree plantings shall be accomplished in accordance with the Rossmore Parkway Tree Planting Specifications (Arborist Scope of Services) maintained by the General Manager.

**3080.26** Trees planted by the District will minimally be in 24" box containers. Should budget constraints arise or a 24" box tree of a specific species not be available, a 15-gallon container tree may be substituted.

**3080.27** A list of tree varieties approved by the Board for new or replacement trees shall be maintained by the District. The Tree Consultant shall recommend and the District shall select tree species based on the specified predominant tree species of the block if the tree is still on the approved species list and other factors such as availability or an alternate tree from the approved list of trees with similar characteristics.

**3080.28** The General Manager shall maintain a Notification of Tree Planting document that specifies the required care of parkway trees. This includes instructions for newly planted parkway trees. The document shall be provided to each homeowner/resident of a newly planted parkway tree.

**3080.29** The homeowner/resident has the responsibility for watering and caring for the parkway trees adjacent to their property in accordance with District instructions. A tree that must be replaced due to lack of care on the part of a homeowner/resident will require the homeowner/resident to pay the District for a replacement tree of the same or like species and size.

**3080.30** Tree Trimming and Protection: Trees shall be trimmed by the District, or as otherwise authorized herein, to maintain safety and clearance standards established by the County.

**3080.31** Specifications delineating aesthetic tree trimming shall be in accordance with the requirements of the American National Standards Institute (ANSI A 300) maintained by the General Manager and shall become a part of any tree trimming contracts awarded by the District.

**3080.32** The District shall maintain a tree trimming schedule for all parkway and median trees. Each tree shall be trimmed at least once every four years or as necessary according to species. Homeowners/residents desiring more frequent trimming or pruning by the District can request such at the District office for a fee, which fee reflects the cost to the District, or may request a Resident Tree Trimming Permit. District tree trimming shall only be performed by the District's contract arborist.

**3080.33** Notification by mail or by posting at the residence of scheduled tree planting or removal may be sent by the District to the homeowner/resident at least two (2) weeks prior to the planned work except for emergency safety removals by the County.

**3080.34** Resident Tree Trimming Permits. As an alternative or in addition to the tree trimming procedures set forth in section 3080.32, the General Manager may issue a permit to the owner and/or resident of real property to trim and/or prune any parkway tree on or adjacent to that real property. The General Manager shall promulgate rules and forms as necessary to administer the Tree Trimming Permit program. The decision of the General Manager to deny, revoke or rescind a permit may be appealed to the Board of Directors pursuant to the procedures set forth in section 3080.84(2). The following minimum requirements shall apply to the permit:

- (1) The trimming shall only be conducted by a licensed landscape contractor that has been pre-approved by the District;

- (2) The owner/resident shall pay all required permit fees; and
- (3) The owner/resident shall comply with all terms of the permit.

**3080.40 Tree Removal:** Only trees that are dead, structurally unsound or are creating problems that cannot be corrected without causing the tree to die or become unstable will be removed.

**3080.41** Valid reasons for removing trees:

- A dead, rotting or seriously diseased tree that presents a danger of structural failure.
- Trees that present a hazard, such as a tree with weak roots, a tree with a split trunk or a tree with falling limbs that cannot be corrected with trimming.
- A diseased or insect infested tree that is a serious threat to nearby trees if removal is the best pest or disease control option.
- An unauthorized tree of the wrong species for its location
- Hardscape (sidewalks, curbs, driveways etc.) damage that requires repairs and if such repairs cannot be made without causing severe root damage that renders the tree structurally unsound.
- If in order to repair or replace a lateral sewer line, it is necessary to remove significant tree roots that would undermine the structural integrity of a tree. This need must be demonstrated to the District by the homeowner through video evidence of the location and extent of damage to the sewer lateral. During excavation, the sewer line must be exposed and be available to the District for a visual inspection to determine the need for the tree removal.
- Home remodeling that requires removal of a tree. If this is driveway relocation, the homeowner must have a building permit and plot plan showing the tree to be removed is less than eight (8) feet from the proposed new driveway. The Homeowner must pay the District for the tree removal and the planting of a new 24-inch box tree selected by the District before the District will sign off on the building permit.
- Any reason deemed by the General Manager to be in the best interests of the District and/or homeowner/resident.

**3080.42** Non-valid reasons for removing trees:

- Nuisances, such as dropping leaves, root ridges in lawn, messy fruit, berries or flowers, etc.
- Roots getting into sewer lines. It is the responsibility of the homeowner/resident to maintain their sewer line so that leakage from a line is repaired promptly. This will avoid tree roots from seeking the seeping nutrients and moisture from the line.
- Invasion of roots into water meter box that can be remedied with root pruning. The General Manager will determine who is financially responsible for any necessary root pruning.
- Hardscape damage where repair coupled with root pruning can save the tree.

**3080.50 Requests for Tree Inspections, Trimming or Removal and Disposition:**

**3080.51** A request for parkway tree inspection, trimming or, removal may be made in person, by telephone or in writing to the District office. A CSR will be generated, an inspection will be performed and a disposition will be made by the District.

**3080.52** The action taken or not taken on a request will be reported back to the homeowner or his/her agent by the District. A requester has the right of appeal the final

disposition of the request by the General Manager to the Board on any actions taken/not taken.

**3080.60 Tree Protection:** Unauthorized and/or unpermitted removal, damage, and/or pruning to or of any portion of a parkway tree is a misdemeanor punishable by 6 months in jail and/or a \$1,000 fine. In addition to the penalties set forth in Policy No. 3098, the District may also seek restitution for damages to District property as set forth herein. In the case of complete tree removal, or unauthorized tree pruning or root removal resulting in a tree being damaged beyond recovery or such that it poses an unacceptable safety risk and has to be removed, the responsible person shall be liable to the District for: (a) the appraised value of the removed tree based on the International Society of Arboriculture (ISA) trunk formula method; and (b) the cost of a 24-inch box replacement tree. If unauthorized tree pruning results in a loss of 40% or more of the live crown the responsible person will be required to pay to the District the difference between the appraised tree value of the tree before and the appraised tree value after the damage occurred. The responsible person shall also be liable for any and all costs and expenses to the District caused by a violation of this policy, including but not limited to, any appraisal costs as set forth herein.

**3080.61** Parkway may not be cemented, bricked or covered with vegetation which prevents the planting of a parkway tree. In addition, such paving-over, cementing-over or other covering of a parkway shall be subject to the applicable permitting or other approval requirements of the County of Orange. For example, and not by way of limitation, any such paving-over, cementing-over or other covering of a parkway shall be subject to the applicable urban storm water runoff permit regulations as set forth in the applicable National Pollution Discharge Elimination System (NPDES) permit program as established and administered by the County of Orange or other applicable state or regulatory body.

**3080.62** Parkway may be covered with grass or other plants, so long as such grass or plants are not more than two (2) feet high or closer than 1½ feet from the base of the tree. Artificial turf shall not be installed closer than three (3) feet from the base of the tree. Any work on the parkway that could involve the pruning of tree roots larger than two (2) inches in diameter must first be approved by the District.

**3080.63** No swings or attachments of any type may be placed on parkway or median trees.

**3080.70 Retention of Arborist:** The District will retain an ISA certified arborist to assist the General Manager in the performance of specifications called out in the Scope of Services as detailed in the Agreement with the contract arborist.

**3080.80 Enforcement of Policy:**

**3080.81** Pursuant to Government Code Section 61600(j) and (k), the District has the authority to perform work and improvements on or about any street in Rossmoor, subject to the consent of the County.

**3080.82** Pursuant to Government Code Section 61621.5(c), Resolution 99-1-13-1 provides that the County has granted the District the power of a county road commissioner to regulate certain activities. In its role as a County Road Commissioner, the District may regulate and perform certain activities in connection with the planting, removing, cutting, injuring or destroying any tree, shrub, plant or flower growing on any parkway or median. Pursuant to Government Code Section 61621.5(c) and Streets and Highways Code Section 1460, anyone who violates this policy will be subject to the appropriate legal remedy including liability for all expenses and damages caused thereby to the County and/or the District and could be found criminally liable for a misdemeanor.



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**ROSSMOOR COMMUNITY SERVICES DISTRICT**

**AGENDA ITEM C-4**

**Date:** February 28, 2022

**To:** Tree Committee  
Director Nathan Searles  
Director Tony DeMarco

**From:** General Manager Joe Mendoza  
Initiated by Mary Kingman, District Arborist

**Subject:** ARBOR DAY EVENT PLANS

**RECOMMENDATION**

The Rossmoor Community Services District (RCSD) General Manager recommends that the Tree Committee review and approve plans for the upcoming Arbor Day event.

**BACKGROUND**

To meet qualifications for Tree City USA status, the RCSD is required to host an annual Arbor Day celebration. The RCSD is currently working on plans for the event to be held on Wednesday April 20, 2022, which is National Arbor Day.

**ATTACHMENTS**

1. Event outline

ROSSMOOR ARBOR DAY, 2022

Proposed Date

Wednesday, April 20, 2022 2:00-5:00 p.m.

Proposed Budget

- Arbor Day merchandise for give-aways: \$90
- Banners \$260
- Balloons \$40
- Materials for craft and kids activities \$50
- Snacks (popcorn, granola bars/water,lemonade) \$60

**Total budget: \$500**

Potential Presentation Tables/Presenters

- Youth Center Crafts
- Sensory table with tree seeds, flowers, cones, etc.
- RCSD table with policy info, posters, brochures etc.

Sponsors

- RHA
- Youth Center - volunteer
- WCA
- Rossmoor Women's Club
- H&H Nursery has confirmed gift cards donation
- Tree Nursery

Activities

- Crafts for kids – upcycling craft (Youth Center)
- 'Animals in Trees' scavenger hunt
- Tree Story contest – winning story in RHA or RCSD website, local newspaper
- Arbor Day Proclamation
- Tree Planting in park with help from community
- Tree and plant opportunity drawing
- Arbor Day merch give-aways

Advertising

- Banners for Rossmoor Wall and Parks
- Email blasts
- Newspaper announcement in Sun and News Enterprise
- Schools
- RCSD website/newsletters/Board meetings

- RHA newsletter/email

UPCYCLING CRAFTS FOR KIDS

