

ROSSMOOR

COMMUNITY SERVICES DISTRICT



Regular Meeting of the Board Agenda Package

February 9, 2021

BOARD OF DIRECTORS

AGENDA
BOARD OF DIRECTORS
ROSSMOOR COMMUNITY SERVICES DISTRICT

REGULAR MEETING

RUSH PARK
3021 Blume Drive
Rossmoor, California

Please also be advised that all persons wishing to attend this meeting may also do so via Zoom. To Join Zoom Meeting: <https://us02web.zoom.us/j/8246309395?pwd=Y0JEWktnM041b0tIQjFRNkdNUFd1QT09>

Enter Meeting ID: 824 630 9395 and Passcode: 7ZC4mE

Tuesday, February 9, 2021

7:00 p.m.

This agenda contains a brief description of each item to be considered. Except as provided by law; no action shall be taken on any item not appearing in the agenda. To speak on an item, complete a Speaker Request Form(s) identifying the item(s) and topic and deposit it in the speaker request box. To speak on a matter not appearing in the agenda, but under the jurisdiction of the Board of Directors, you may do so during Public Comments at the beginning of the meeting. Speaker request forms must be deposited prior to the beginning of Public Comments. When addressing the Board, it is requested that you state your name for the record. Address the Board as a whole through the President. Comments to individual Directors or staff are not permitted. Speakers are limited to three (3) minutes per item with nine (9) minutes cumulative for the entire meeting. Supporting documentation is available for review in the Rush Park main office, 3001 Blume Drive, Rossmoor, 90720—9:00 am - 5:00 pm, Monday-Friday. The Agenda is available online at: <http://www.rossmoor-csd.org>. Meetings are broadcast live on LATV-3 and may also be viewed on Vimeo.com or on our website at <http://www.rossmoor-csd.org>.

A. ORGANIZATION

1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: Directors DeMarco, Nitikman, Rips, Searles
President Barke
3. PLEDGE OF ALLEGIANCE:
4. PRESENTATIONS:
 - a. CALIFORNIA HIGHWAY PATROL OFFICER MATT MUSSELMANN RE: QUARTERLY TRAFFIC REPORT

B. ADDITIONS TO AGENDA – None

In accordance with Section 54954 of the Government Code (Brown Act), action may be taken on items not on the agenda, which was distributed, if:

A majority of the Board determines by formal vote that an emergency exists per Section 54956.5 (for example, work stoppage or crippling disaster which severely impairs public health and/or safety); or

Two-thirds (2/3) of the Board formally votes or, if less than 2/3 of members are present, all of the Board members present vote, that there is a need to take immediate action, which arose after the agenda was posted.

C. PUBLIC FORUM

Any person may address the Board of Directors at this time upon any subject within the jurisdiction of the Rossmoor Community Services District; however, any matter that requires action may be referred to Staff at the discretion of the Board for a report and action at a subsequent Board meeting.

D. REPORTS TO THE BOARD:

1. QUARTERLY TREE REPORT – Receive and File

E. CONSENT CALENDAR

1. MINUTES

- a. Regular Board Meeting Minutes of January 12, 2021
- b. PIFC Board Meeting Minutes of January 12, 2021

Consent items are expected to be routine and non-controversial, to be acted upon by the Board of Directors at one time. If any Board member requests that an item be removed from the Consent Calendar, it shall be removed by the President so that it may be acted upon separately.

F. PUBLIC HEARING-None

G. RESOLUTIONS:

ORDINANCES:

H. REGULAR CALENDAR:

1. ADOPTION OF POLICY NO. 1040, THE SEAL OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT
2. RESIDENT PARKWAY TREE REMOVAL REQUEST
3. RECAP OF THE JANUARY 21, 2021 TRAFFIC SAFETY ADVISORY AD HOC COMMITTEE MEETING
4. ADOPTION OF 2021-2022 BUDGET CALENDAR

I. GENERAL MANAGER ITEMS

This part of the Agenda is reserved for the General Manager to provide information to the Board on issues that are not on the Agenda, and/or to inform the Board that specific items may be placed on a future Agenda. No Board action may be taken on these items that are not on the Agenda.

J. BOARD MEMBER ITEMS

This part of the Agenda is reserved for individual Board members briefly to make general comments, announcements, reports of his or own activities, and requests of staff, including that specific items be placed on a future Agenda. The Board may not discuss or take action on items not on the Agenda.

K. GENERAL COUNSEL ITEMS

This part of the Agenda is reserved for District General Counsel to provide information to the Board on issues that are not on the Agenda, and/or to inform the Board that specific items may be placed on a future Agenda. No Board action may be taken on these items that are not on the Agenda.

L. CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Churchill et al. v Orange County Sheriff Dept. et al. Orange County Superior Court, Case No. 30-2020-01175364-CU-CJC

M. ADJOURNMENT

It is the intention of the Rossmoor Community Services District to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the District will attempt to accommodate you in every reasonable manner.

Please contact the District Office at (562) 430-3707 at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

Pursuant to Government Code Section 54957.5, any writing that: (1) is a public record; (2) relates to an agenda item for an open session of a regular meeting of the Board of Directors; and (3) is distributed less than 72 hours prior to that meeting, will be made available for public inspection at the time the writing is distributed to the Board of Directors.

Any such writing will be available for public inspection at the District offices located at [3001 Blume Drive, Rossmoor, CA 90720](#). In addition, any such writing may also be posted on the District's web site at www.rossmoor-csd.org.

CERTIFICATION OF POSTING

I hereby certify that the attached Agenda for the February 9, 2021, 7:00 p.m. Regular Meeting of the Board of Directors of the Rossmoor Community Services District was posted at least 72 hours prior to the time of the meeting.

ATTEST:

Elizabeth Deering for _____ Date February 3, 2021
JOE MENDOZA
General Manager

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM A-4a

Date: February 9, 2021
To: Honorable Board of Directors
From: General Manager Joe Mendoza
Subject: CALIFORNIA HIGHWAY PATROL OFFICER MATT
MUSSELMAN RE: QUARTERLY TRAFFIC REPORT

RECOMMENDATION

Receive and file presentation.

BACKGROUND

The report reflects the order of presentations for your Regular September Meeting of the Board.

- a. California Highway Patrol Officer Matt Musselman Re: Quarterly Traffic Report.

ATTACHMENTS - None

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM D-1

Date: February 9, 2021
To: Honorable Board of Directors
From: General Manager Joe Mendoza
Initiated by Mary Kingman District Arborist
Subject: QUARTERLY TREE REPORT

RECOMMENDATION

Receive and file report.

BACKGROUND

The Tree Report is intended to provide the Board with the status of the urban forest and the work being performed in the maintenance and preservation of the trees within the parks and parkways.

ATTACHMENTS

1. Tree Report
2. Tree Report Totals
3. New Homeowner Welcome Letter

RCSD TREE DEPARTMENT YEARLY REPORT ON THE URBAN FOREST 2020

The year 2020 was a busy year for trees. Increased area rainfall in 2019 triggered rapid growth in some tree species. This extra weight on tree crowns, coupled with several days of severe heat or wind related weather in 2020 resulted in a large amount of limb failures, 64 in total. We also saw 9 complete tree failures, 8 of those the result of high winds. A total of 137 trees were planted to replace previously removed trees. A total of 83 dead or hazardous trees were removed. Tree diseases that are spread by pests, fungal and bacterial pathogens are the main cause of death and decline in Rossmoor trees, along with poor site conditions, water stress, root pruning, trunk girdling and outdated pruning practices. The urban tree canopy is disappearing, not just in Rossmoor, but all over the region due to the above-mentioned factors combined with a trend of removing trees from private yards to accommodate larger houses. This makes it more important than ever to continue planting trees in parks and parkways.

In the coming year, RCSD staff will continue to promote, protect, and maintain a healthy urban forest in Rossmoor. The following are some of the practices that will be used as part of the District's Urban Forestry program:

Planting Trees

- Replace removed trees vacant parkways and park sites.
- Promote an age and species diverse urban forest.
- Encourage residents to take part in the tree selection process.

Caring for Trees

- Prune all trees on a four-year grid cycle, with one grid area being trimmed each year.
- Order supplemental trims as needed, for crown thinning and structural pruning of young trees.
- Trim for safety and clearance with the assistance of Orange County Public Works.
- Light pruning and re-staking of trees by RCSD staff when possible.
- Water newly planted or drought stressed trees as needed.
- Respond to resident service requests in a timely manner.

Monitoring Trees

- Assess and monitor trees regularly for health, maintenance, and safety issues and trim or remove if necessary.
- Respond promptly to resident service requests for safety concerns.

Protecting Trees

- Respond accordingly to parkway tree policy violations such as unauthorized trims, removals, and plantings.
- Issue administrative citations and fines for unauthorized trimming or removal.
- Send letters of correction requesting residents to remove items such as swings and signs that are affixed to parkway trees.

Educating the Public

- Distribute the District's new homeowner welcome packets that will include informational brochures and flyers as well as the District's tree policy.
- Continue with a promotional campaign to help inform new residents of the RCSD's role and its tree protection policies.
- Keep the District website updated with information pertaining to Rossmoor's Urban Forest.
- Publish tree-related articles in the RCSD newsletter.
- Hold an annual Arbor Day Celebration to highlight the trees of Rossmoor and to educate citizens on the benefits of trees.

Urban Forest Report 2020 Totals

| Month | Safety Pruning OCPW | Grid Pruning | Off-Grid Pruning | 24" Box Plant | Sp 24" or 36" Box Plant | Tree Trimming Permit | Tree Removals - Parkways | Tree Removals Parks | Tree Removals Driveway Approach | Resident Service Request |
|---------------|---------------------|--------------|------------------|---------------|-------------------------|----------------------|--------------------------|---------------------|---------------------------------|--------------------------|
| January-20 | | | | 85 | 2 | | 36 | | | 17 |
| February-20 | | | | | | | | | 2 | 26 |
| March-20 | | | | 5 | | | | | | 11 |
| April-20 | | | 8 | 25 | | | | | | 20 |
| May-20 | 11 | | | | | | 11 | | 2 | 36 |
| June-20 | | | | | | | | | 1 | 32 |
| July-20 | 42 | | 21 | | | | 7 | | | 43 |
| August-20 | 16 | | 20 | | | | | 5 | | 41 |
| September-20 | | | | | | 1 | 18 | | | 49 |
| October-20 | 13 | | | | | | | | 1 | 32 |
| November-20 | | 267 | 11 | 22 | | | | | | 49 |
| December-20 | | 911 | | | | | 11 | | | 20 |
| Totals | 82 | 1178 | 60 | 137 | 2 | 1 | 83 | 5 | 6 | 376 |

Orange County Public Works Tree Removals

| Address | Species | Quantity | Value | Date | Reason |
|----------------------|---------|----------|---------|------------|------------------------|
| 12461 Kensington Rd. | Ficus | 1 | \$9,830 | 10/18/2020 | Sdwalk/Property Damage |

Tree Failure Report Details

| Failure (Tree Part) | Quantity | Conditions | Date | Damage |
|-----------------------|----------|--------------|------------|------------|
| Roots - Complete Tree | 1 | Calm Weather | 8/14/2020 | None |
| Roots - Complete Tree | 3 | High Winds | 11/8/2020 | None |
| Roots - Complete Tree | 2 | High Winds | 11/26/2020 | None |
| Trunk - Complete Tree | 2 | High Winds | 12/3/2020 | None |
| Roots - Complete Tree | 1 | High Winds | 12/3/2020 | None |
| Limb | 20 | High Winds | Oct-Dec | None |
| Limb | 27 | SBD (heat) | Apr-Sept | 1 Car |
| Limb | 14 | Dead Limb | Jan-Dec | Windshield |
| Limb | 3 | Weight/Misc. | Jan-Dec | None |

Vacant Site Planting Lists

| | |
|-------------------|-----------|
| Construction Hold | 34 |
| Resident Refusals | 44 |
| | 78 |



ROSSMOOR COMMUNITY SERVICES DISTRICT

3001 BLUME DRIVE, ROSSMOOR, CA 90720 / (562) 430-3707 / FAX (562) 431-3710

Dear Resident:

On behalf of the Rossmoor Community Services District (RCSD) Board of Directors and staff, welcome to Rossmoor!

Rossmoor is an unincorporated area of Orange County. The RCSD was formed in 1986 and oversees public recreation facilities and service, street lighting, road rights-of-way services, and with the County of Orange provides refuse collection and disposal. Within Rossmoor, there are two large parks and community centers available for recreational use and rental – Rossmoor Park and Rush Park, as well as two mini-parks, and the Montecito Center is also available for rental use. We believe you will find Rossmoor a safe and wonderful place to live.

Enclosed please find some informational items to assist you in becoming more familiar with this great community:

- ***RCSD Directory*** – includes key District contact information, as well as contact information for the County of Orange, utility companies, and local agencies and non-profit organizations serving Rossmoor.
- ***Tree Brochure*** – details policies and procedures relative to care and maintenance of the District-owned parkway tree at each residence.
- ***Street Sweeping and Trash Collection Information***

The Rossmoor Community Services Board of Directors and staff can be reached by calling the District Office at (562) 430-3707 weekdays between 9 a.m. and 5 p.m. or you may stop by the District Office located at 3001 Blume Drive, at Rush Park. For after-hours emergencies please call (562) 497-0118; in the event of an extreme emergency, call 911.

We welcome your questions and comments. You are encouraged to attend the Board of Directors meetings, held at the Rush Park Auditorium at 7 p.m. on the second Tuesday of each month. Please also visit the RCSD website at www.rossmoor-csd.org to join our mailing list and access additional District information.

Again, welcome to Rossmoor! We look forward to serving you.

Sincerely,

Sincerely,

Dr. Jeffrey Barke
President, RCSD Board of Directors

Joe Mendoza
General Manager

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM E-1a.

Date: February 9, 2021
To: Honorable Board of Directors
From: General Manager Joe Mendoza
Initiated by Administrative Assistant Liz Deering
Subject: REGULAR BOARD MEETING MINUTES OF JANUARY 12, 2021

RECOMMENDATION:

Approve the Minutes of the Regular Meeting of January 12, 2021 as prepared by the Board's Secretary/General Manager.

BACKGROUND:

The report reflects the actions of the Board at their meeting of January 12, 2021 as recorded by the Board's Secretary/General Manager.

ATTACHMENTS:

1. RCSD Board Meeting Minutes of January 12, 2021



**MINUTES
BOARD OF DIRECTORS
ROSSMOOR COMMUNITY SERVICES DISTRICT**

REGULAR MEETING

RUSH PARK
3021 Blume Drive
Rossmoor, California

Tuesday, January 12, 2021

A. ORGANIZATION:

1. CALL TO ORDER: 7:02 P.M.

2. ROLL CALL: Directors Barke, DeMarco, Rips, Searles
Acting President Nitikman

3. PLEDGE OF ALLEGIANCE: Director Rips led the Pledge of Allegiance

4. PRESENTATIONS:

a. ACTING PRESIDENT MARK NITIKMAN (2020) STATE OF THE DISTRICT ADDRESS

Acting President Nitikman presented the 2020 State of the District Address. The presentation was received and filed.

b. RECOGNITION OF ROSSMOOR RESIDENTS MILT AND BEVERLY HOUGHTON FOR SERVICE TO THE COMMUNITY

Acting President Nitikman presented individual proclamations to Rossmoor residents Milt and Beverly Houghton in recognition of their many years of service and dedication to the Rossmoor Community. The presentation was received and filed.

c. ORANGE COUNTY SHERIFF'S DEPARTMENT CAPTAIN GARY KNUTSON RE: OCSD QUARTERLY CRIME STATISTICS

Captain Gary Knutson presented the Rossmoor Quarterly Crime Statistics. The presentation was received and filed.

5. ELECTION OF OFFICERS

Recommendation that the Board of Directors take the following actions in the order indicated:

1. Election of President – conducted by General Manager Mendoza; Acting President Nitikman called for nominations for the office of President. Director DeMarco nominated Director Barke for the position of President, the nomination was seconded by Director Rips. The General Manager asked if there were any other nominations. Seeing none, the General

Manager closed the nominations. Director Barke was elected as President of the Board of Directors, 3-1-1, with Director Searles voting no, and Director Nitikman abstaining.

2. Election of First Vice President – conducted by the newly elected President; President Barke called for nominations for the office of First Vice President.

President Barke nominated Director DeMarco for the position of First Vice President. The nomination was seconded by Director Rips. The President asked if there were any further nominations. Seeing none, President Barke closed the nominations. Director DeMarco was unanimously elected as First Vice President of the Board of Directors, 5-0.

3. Election of Second Vice President – conducted by the newly elected President.

Director Barke nominated Director Rips for the position of Second Vice President. The nomination was seconded by Director DeMarco. The President asked if there were any further nominations. Seeing none, President Barke closed the nominations. A roll call vote was taken. Director Rips was unanimously elected as Second Vice President of the Board of Directors, 5-0.

B. ADDITIONS TO AGENDA: None

C. PUBLIC FORUM:

Resident Maureen Wauters opined relative to Agenda Item H-1, traffic and speeding. She thanked Captain Knutson for his crime report.

D. REPORTS TO THE BOARD:

1. QUARTERLY RECREATION REPORT

Superintendent Chris Argueta provided a report outlining the Halloween Drive-In Movie in the Park and the Holiday Tree Lighting and Caroling Caravan events. The report was received and filed.

E. CONSENT CALENDAR:

1a. MINUTES OF THE SPECIAL BOARD MEETING—December 2, 2020

ITEM E-1a. WAS PULLED FROM THE CONSENT CALENDAR TO BE VOTED ON SEPARATELY

Motion by Director DeMarco, seconded by President Barke to approve Item E-1a. Special Board Meeting Minutes of December 2, 2020 as submitted. Motion passed 3-2, with Directors Rips and Searles abstaining as they were not present at the meeting.

1b. MINUTES OF THE REGULAR BOARD MEETING—December 8, 2020

Motion by President Barke, seconded by Director DeMarco to approve Item E-1b. Special Board Meeting Minutes of December 8, 2020 as submitted. Motion passed 5-0.

F. PUBLIC HEARING: None

G. RESOLUTIONS:

1a. RESOLUTION NO. 21-01-12-01 LIST OF OFFICIALS AUTHORIZED TO TRANSACT BUSINESS WITH THE DISTRICT'S BANKS AND OTHER FINANCIAL INSTITUTIONS

Motion by Director Nitikman, seconded by Director Rips to approve Resolution No. 21-01-12-01 by reading the title only and modifying Amendment A as follows: Delete the fifth bullet point and add Elizabeth Deering. Discussion ensued relative to officials authorized in the Resolution and Amendment A. Motion passed 5-0.

ORDINANCES: None

H. REGULAR CALENDAR:

1. INTRODUCTION OF AN AMENDMENT TO POLICY NO. 5030 TO ALLOW THE BOARD PRESIDENT TO APPOINT RESIDENTS INCLUDING FORMER DIRECTORS TO SERVE ON COMMITTEES AND AS REPRESENTATIVES OF THE BOARD TO OUTSIDE AGENCIES AND TO ALLOW THE BOARD TO AUTHORIZE REMUNERATION TO RESIDENT APPOINTEES

Motion by President Barke, seconded by Director DeMarco to table the motion until the proposed amendment to Policy No. 5030 was thoroughly vetted. President Barke stated that he and Director DeMarco would meet with the General Manager and General Counsel to carefully examine the proposed amendment and attempt to incorporate important discussion items for review at a future meeting of the full Board of Directors. Motion passed 5-0.

I. GENERAL COUNSEL ITEMS: None

J. GENERAL MANAGER ITEMS:

General Manager Joe Mendoza provided the Board with an update on the progress that had been made with the County on street sweeping schedule modifications and signage. He reported that Christmas tree pickups were considerably delayed due to County staff being impacted by COVID-19. He stated that a new election would be held in March for Orange County Supervisor Michelle Steel's vacant seat and Rush Park would once again serve as a voting center for residents. He reported on upcoming road repairs and improvements in Rossmoor and stated that a map would be added to the District website. The report was received and filed.

K. BOARD MEMBER ITEMS:

Director DeMarco thanked Captain Knutson for his quarterly crime report. He encouraged residents to be alert and do their part in mitigating crimes of opportunity and invited all to attend the Traffic Committee Meeting scheduled on January 21, 2021. Director DeMarco thanked Recreation Superintendent Chris Argueta and the Rossmoor Homeowners Association for their

contributions to the success of this year's Holiday Tree Lighting and Caroling Caravan event. He expressed his desire to see the street sweeping schedule implemented as soon as possible.

Director Nitikman opined relative to the Christmas tree pickup delays and suggested providing feedback to the County regarding the CR&R Contract. He encouraged residents to join the Neighborhood Watch Program.

Director Rips opined regarding the percentage of calls per population in Rossmoor versus residents in other communities. He requested that this information be included in the next Orange County Sheriff's Department crime report. Director Rips also requested possible noise mitigation efforts for residents living along Martha Ann that are impacted by either a missing or inadequate sound wall.

President Barke thanked Milt and Beverly Houghton for their many years of volunteer service to the Rossmoor Community and added that he was honored to have them as friends. He thanked Orange County Sheriff's Department Captain Gary Knutson for his presentation and added that he was looking forward to the Traffic Committee meeting. President Barke remarked that as an unincorporated County island, relationships with the County of Orange was crucial. He thanked Director Mark Nitikman for his bridge leadership over the last few months.

Director Searles had no comments.

L. CLOSED SESSION:

M. ADJOURNMENT:

Motion by President Barke seconded by Director DeMarco to adjourn the regular meeting at 9:10 p.m.
Motion passed 5-0.

SUBMITTED BY:

Joe Mendoza
General Manager

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM E-1b.

Date: February 9, 2021
To: Honorable Board of Directors
From: General Manager Joe Mendoza
Initiated by Administrative Assistant Liz Deering
Subject: PIFC BOARD MEETING MINUTES OF JANUARY 12, 2021

RECOMMENDATION:

Approve the Minutes of the PIFC Meeting of January 12, 2021 as prepared by the Board's Secretary/General Manager.

BACKGROUND:

The report reflects the actions of the Board at their PIFC meeting of January 12, 2021 as recorded by the Board's Secretary/General Manager.

ATTACHMENTS:

1. PIFC Board Meeting Minutes of January 12, 2021



**MINUTES
BOARD OF DIRECTORS
ROSSMOOR COMMUNITY SERVICES DISTRICT
PUBLIC IMPROVEMENTS FINANCING CORPORATION
REGULAR MEETING**

RUSH PARK
3021 Blume Drive
Rossmoor, California

Tuesday, January 12, 2021

A. ORGANIZATION

- 1. CALL TO ORDER: By Acting President Nitikman at 9:11 P.M.**
- 2. ROLL CALL: Director Barke, DeMarco, Rips, Searles
Acting President Nitikman**

3. PLEDGE OF ALLEGIANCE

4. MINUTES:

a. PIFC meeting of January 14, 2020

The Minutes of the PIFC Meeting of January 14, 2020 were received and filed as submitted for informational purposes, since approved the prior year.

5. PRESENTATIONS – None

6. ELECTION OF OFFICERS

The General Manager requested nominations for office of President of the Corporation. Motion by Director DeMarco, Seconded by Director Searles to nominate President Barke as President of the Corporation. A roll call vote was taken. Motion passed 5-0.

The General Manager requested nominations for office of Vice President of the Corporation. Motion by President Barke, Seconded by Director Rips to nominate First Vice President Tony DeMarco as Vice President of the Corporation. Motion passed 5-0.

Motion by Director Barke, seconded by Director DeMarco to appoint General Manager, Joe Mendoza as Secretary and Treasurer of the Corporation and to appoint Jones & Mayer as District General Counsel. A roll call vote was taken. Motion passed 5-0.

- B. ADDITIONS TO AGENDA - None**
- C. PUBLIC FORUM – None**
- D. REPORTS TO THE BOARD - None**

E. CONSENT CALENDAR - None

F. PUBLIC HEARING - None

G. RESOLUTIONS

1. RESOLUTION NO. 21-01-12-1, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT PUBLIC IMPROVEMENTS FINANCING CORPORATION ELECTING OFFICERS, APPOINTING COUNSEL AND SECRETARY/CHIEF FINANCIAL OFFICER TO THE CORPORATION AND DESIGNATING THE TIME AND PLACE FOR THE HOLDING OF REGULAR MEETINGS OF THE BOARD.

Approve by roll call vote, Resolution No. 21-01-12-1, directing the General Manager to include the names of the newly elected officers and appointees, and by reading the title only and waiving further reading.

Motion by President Barke, seconded by Director Nitikman to approve Resolution No. 21-01-12-1. Motion to approve Resolution No. 21-01-12-1 unanimously passed by roll call vote, 5-0.

H. BIDS, CONTRACTS, AND AGREEMENTS - None

I. ADMINISTRATIVE ITEMS - None

J. INFORMATIONAL ITEMS - None

K. BOARD MEMBER ITEMS:

Discussion ensued relative to Golden State Water Company's offer to allow the District the opportunity to acquire excess real estate sites within Rossmoor that were no longer needed by the water company. Director Nitikman opined that the sites offered the District the potential to create additional mini parks. Funding options, including a bond proposal, for the real estate acquisition, Rossmoor Signature Wall improvements along Los Alamitos Blvd. were also discussed. Director DeMarco added that another factor to consider is that if Caltrans makes improvements to the 605 freeway along Katella Avenue, their road easement, within the City of Los Alamitos, would be utilized to remove the buffer between Katella Ave. and several Rossmoor homes.

L. CLOSED SESSION - None

M. ADJOURNMENT

Motion by President Barke, seconded by Director DeMarco, to adjourn the meeting at 9:30 p.m. Motion passed 5-0.

SUBMITTED BY:

Joe Mendoza

Secretary

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM H-1

Date: February 9, 2021

To: Honorable Board of Directors

From: General Manager Joe Mendoza

Subject: ADOPTION OF POLICY NO. 1040, THE SEAL OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT

RECOMMENDATION:

Staff recommends that the Board of Directors introduce for first reading Ordinance No. 2021-01, in order to adopt proposed Policy No. 1040, regarding the use of the Seal of the Rossmoor Community Services District.

BACKGROUND:

The District's seal was created by Ms. Elizabeth Deering, Assistant to the General Manager at the District's direction in approximately 2007. It adorns the Board Chambers, has been used by the District on letterhead, the District website and various other District media ever since. Nevertheless, the District does not have an official policy regarding the use and/or misuse of the seal. Such policies and ordinances are common throughout California. See Attachment No. 1, *Who Gets to Use Agency Seals, Logos, Letterhead and Other Insignia?* Institute for Local Government, June 2013.

Elections Code section 18304 generally makes the misuse of a county or district seal in campaign literature or mass mailing with intent to deceive a misdemeanor.¹ However, there is otherwise no specific law that regulates the use of a Community Services District seal or insignia other than in the context of elections.

As drafted, the proposed policy would restrict the use of the seal to official District matters, as defined. Staff is recommending adopting

¹ Note that the statement in Attachment No. 1, in citing to Government Code § 34501.5, applicable to cities, and stating "[t]he absence of parallel language for county and special district seals underscores the wisdom of adopting local protections)" does not take into account the parallel language of the Elections Code § 18304 applicable to counties and districts.

the policy by ordinance in order to criminalize misuse of the seal by any person. As an alternative, the Board could elect to strike the penal provisions, and introduce it solely as a policy. In that case, the Policy would apply to and guide the Board and staff; criminal penalties would not apply unless there is misuse with intent to deceive within the meaning of Elections Code section 18304. In addition, or in the alternative, the Board may also direct staff to pursue trademark protection for the Seal.

ATTACHMENTS:

1. *Who Gets to Use Agency Seals, Logos, Letterhead and Other Insignia?* Institute for Local Government, June 2013 www.ca-ilg.org/AgencySeals_Logos_Letterhead
2. Ordinance No. 2021-01, and Policy No. 1040, The Seal of the Rossmoor Community Services District, attached thereto.

Who Gets to Use Agency Seals, Logos, Letterhead and Other Insignia?

www.ca-ilg.org/AgencySeals_Logos_Letterhead

June 2013

Related Resources from the Institute

For more information, see the following Everyday Ethics for Local Officials columns at www.ca-ilg.org/everydayethics

Also visit these links to view other documents in this series:

- [Using Public Resources for Gifts and Charitable Purposes](#)
- [Use of Public Resources: Special Issues Around Expenses and Expense Reimbursement](#)

Thank You to ILG's Supporter

The preparation and distribution of this resource is made possible through the generous financial support of the Meyers Nave law firm.



Question: *I recently attended a meeting of local officials. During lunch the conversation turned to experiences related to use of agency seals and letterhead.*

One of the people at the table described a flap over her colleague's using his title on agency letterhead to express a point of view that did not reflect the perspective of his colleagues or the community. Another person at the table said the same thing happened in his jurisdiction, although the controversy related to a candidate's use of the agency seal during a campaign.

In both instances, neither agency had policies in place on this issue.

We haven't had issues like these in our jurisdiction, but might it be wise to get more structured about these kinds of issues in our agency to avoid the heartburn and headaches my lunch companions are experiencing?

Answer: Addressing such issues *prior to* a controversy can indeed be a good strategy. It avoids the appearance of "calling out" someone who may have concluded the lack of a policy means that "anything goes."

Another consideration weighing in favor of having an agency policy is the fact that technology makes it easier for anyone to gain access to aspects of an agency's official identity. Web browsers and scanners can capture or copy agency seals, logos, letterhead and similar items.

Agency Seals and Logos

Restrictions on the use of an agency's seal are common. Such policies tend to give the agency's custodian of records (for example the clerk of the board of supervisors or city clerk) custody of the agency's seal¹ and create penalties for unauthorized

use.² Some codes create a broader category of agency “insignia” that includes the agency’s website banner and logo.³

Agencies also have the option of taking steps to protect their seals, logos and other insignia through federal,⁴ state⁵ and common-law⁶ processes related to service marks.

Some policies include affirmative statements limiting the use of either the agency seal or insignia “for purposes directly connected with [the agency’s] official business.”⁷ Some also create processes for approving other uses by the agency’s governing body or a designated individual.⁸

The standards an agency uses for determining who can use agency insignia — and when — can also be key, as one agency that had a liberal policy discovered. The agency allowed news organizations to use the agency seal, but then limited that policy when a blogger critical of the agency used the seal. The blogger successfully sued to be allowed to use the seal, on the theory that the agency was withholding permission based on its disagreement with the blog’s message.⁹ (Content-based decisions on whether to allow someone to use a public resource can present First Amendment issues.)

Special Issue: Use of Agency Insignia in Elections

As the question suggests, using agency insignia in election-related communications can create both legal and policy issues.

Using an agency’s logo, letterhead or seal with the intent to deceive voters into thinking the communication is from an agency can be a violation of California election law.¹⁰ California law makes it a misdemeanor to use city seals with the intention of creating an impression that a document is authorized by a public official.¹¹ (The absence of parallel language for county and special district seals underscores the wisdom of adopting local protections).

Agency policies frequently prohibit use of agency insignia in campaign materials. Even when such use is allowed, such use must not involve use of agency money, supplies, staff time or other public resources.¹² Using public resources in ballot measure campaigns presents a host of legal issues. For more information, read the online version of this article at www.westerncity.com.

To avoid questions related to compliance with such restrictions, it is wise to note on the correspondence that the correspondence was not produced or sent with public funds. Other Political Reform Act requirements may also apply — for example, placing the name of the committee or candidate on the outside of the envelope.¹³

California law also prohibits employees or officers of local agencies from engaging in political activities of any kind while in uniform.¹⁴

Finally, some agency policies prohibit using mock-ups of the agency's seal. The purpose of such policies is to prevent people from using altered versions of the agency's identity with the intent of causing those who may be unfamiliar with the agency's logo or seal to believe it came from the agency.¹⁵ Such prohibitions also enable the agency to discourage such practices by creating penalties for such uses.

Use of Agency Letterhead and Other Stationery

Agencies differ on the extent to which public officials have access to and use of agency letterhead and staff for preparing individual correspondence.

A key parameter to keep in mind is that California law prohibits use of public resources for either personal or political purposes.¹⁶ Such prohibitions restrict local agency officials from using agency stationery, printing or photocopying equipment, and staff time to prepare and/or distribute documents that are personal or political in nature.

- An example of “personal” use of public resources would be using agency supplies, equipment or staff time to support one’s business endeavors.¹⁷
- Similarly, using such resources to advocate on behalf of or against a candidate for public office or a ballot measure would be an example of a “political” use of a public resource. See “Special Issue: Use of Agency Insignia in Elections” on page 2 for more information about the use of agency insignia in elections.

Seek Professional Advice

Although the Institute for Local Government endeavors to help local officials understand laws that apply to public service, its informational materials are not legal advice. In addition, attorneys can and do disagree on the best application of those rules to public meeting practices.

Officials are encouraged to consult an attorney for advice on specific situations.

Prohibition Against Mass Mailings at Public Expense

California law reflects the notion that it is unfair for public officials to use public resources to enhance their visibility and name recognition with potential voters. Consequently, sending mass mailings at public expense is forbidden.¹⁸ The Fair Political Practices Commission has defined “mass mailings” as sending more than 200 substantially similar pieces that contain the name, office or pictures of elected officials except as part of a standard letterhead.¹⁹

The rules on what constitute a mass mailing are quite complex. Consult your agency counsel whenever sending out materials that contain elected officials’ names, offices or pictures (for example, newsletters). The prohibition also includes some exceptions (for example, legal notices and directories).

There can be room for disagreement over what constitutes a “personal” use of agency stationery. For example, would writing a letter of recommendation for someone who has not worked for the agency be a “personal” use of public resources or part and parcel of being a public figure in the community? Another murky area could be letters expressing personal (as

opposed to agency adopted) positions on policy issues.

Local agency policies can provide guidance to local officials, staff and others on such questions. Restrictions on the use of agency logos and letterhead also give the agency leverage in the event someone tries to pose as the agency in communications.

Some provide agency officials with stationery that makes it clear, from both their wording and format, that the correspondence is coming from an individual.

Even when a particular use of agency letterhead is allowed, an ethical question for an official to consider is whether the use of agency letterhead leads the reader to believe that the agency itself has endorsed the statements contained in the correspondence. To avoid any misunderstanding, many elected officials whose agencies allow them to use agency letterhead will specifically note that the opinions in the correspondence are their own and not those of the agency.

Badges: Not Recommended

Most agencies issue their elected officials business cards or some other form of identification that may be useful from time to time.

However, some agencies issue officials badges that look similar to those used by law enforcement officials. This practice has fallen out of favor for a number of reasons. State law forbids anyone from using a badge to impersonate a police officer.²⁰ The issuance of badges has also been the basis of a number of prosecutions and embarrassing incidents involving public officials.

Titles

The use of one's title as a public official can create similar policy issues. Some agency codes of ethics address this issue. For example, the City of Santa Clara's Code of Ethics and Values allows its officials to use their title only when conducting official agency business, for information purposes, or as an indication of background and expertise; the code also encourages its officials to carefully consider whether they are exceeding or appearing to exceed their authority.²¹

Conclusion

As is often the case, how other local agencies handle these issues provides a helpful starting place for determining what approach best serves one's own agency's needs. The Institute has collected sample policies on its website, available at: <http://www.ca-ilg.org/post/sample-policies-related-use-agency-insignia>

(Does your agency have sample policies on these issues? The Institute would welcome the opportunity to add those policies to the Institute's collection on its website. Please email dfong@ca-ilg.org with links and/or pdfs.)

Of course, the next step is to make sure officials and others (for example candidates for local agency office) are aware of those policies. Including information in newly elected officials' and candidate orientation packets is a good first step towards that end.

About the Institute for Local Government

This resource is a service of the Institute for Local Government (ILG) whose mission is to promote good government at the local level with practical, impartial, and easy-to-use resources for California communities. ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties.

For more information and to access the Institute's resources on ethics visit www.ca-ilg.org/trust.

The Institute welcomes feedback on this resource:

- *Email:* jspeers@ca-ilg.org Subject: *Get Your Public Meetings Back on Track*
- *Mail:* 1400 K Street, Suite 205 • Sacramento, CA • 95814

References and Resources

Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at www.fppc.ca.gov/index.php?id=52. A source for case law information is www.findlaw.com/cacases/ (requires registration).

¹ *See, for example*, section 1.6(c) of San Francisco's administrative code ("The Clerk Board of Supervisors shall have the custody of the corporate seal."), available at www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sanfrancisco_ca.

² *See, for example*, section 1.6(e) of San Francisco's administrative code ("Every person who maliciously or for commercial purposes, or without the prior approval of the Board of Supervisors, uses or allows to be used any reproduction or facsimile of the Seal of the City and County of San Francisco in any manner whatsoever is guilty of a misdemeanor."), available at www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sanfrancisco_ca.

³ *See, for example*, section 1.04.030(a) of the City of Riverside's municipal code ("The City Clerk of the City of Riverside shall have custody of the official seal, the City of Riverside website banner, emblems, and all other City logos or insignia (hereinafter "City Insignia"). The use of City Insignia shall be for purposes directly connected with the official business of the City of Riverside, its City Council, officers or departments, and for those matters expressly approved by the Mayor and City Council."), available at <https://riversideca.gov/municode/pdf/01/1-04.pdf>.

⁴ 15 U.S.C. § 1072; *see also* United States Patent and Trademark Office, *Protecting Your Trademark: Enhancing Your Rights Through Federal Registration: Basic Facts About Trademarks*, 7 (2012), available at <http://www.uspto.gov/trademarks/basics/BasicFacts.pdf>.

⁵ *See generally* Cal. Bus. & Prof. Code § 14205-09; California Secretary of State Trademarks and Service Marks Frequently Asked Questions, www.sos.ca.gov/business/ts/faqs.htm.

⁶ 22 Am. Jur. Proof of Facts 3d 623 § 7 (2013).

⁷ *See, for example*, section 1.04.030(a) of the City of Riverside's municipal code. ("The use of City Insignia shall be for purposes directly connected with the official business of the City of Riverside, its City Council, officers or departments, and for those matters expressly approved by the Mayor and City Council."), available at <https://riversideca.gov/municode/pdf/01/1-04.pdf>.

⁸ *See, for example*, section 2.05.030 of Kern County's code ("Every person who uses or allows to be used any reproduction or facsimile of the seal of the county of Kern, state of California, except county departments for official business, in any manner whatsoever without the written consent of the board of supervisors, or its designee, is guilty of a misdemeanor."), available at www.co.kern.ca.us (click on "County Ordinance Codes" under Quick Links section). *See also* Kern County Guidelines for Use of County Seal, available at www.co.kern.ca.us/pio/pdf/use_KC_seal.pdf.

⁹ Fluvanna Blogger Wins Case Over Use Of County Seal, *The Daily Progress*, September 2, 2011, available at www.dailyprogress.com/news/article_9dbf03ed-6fe9-539e-b991-9f56105b75ac.html.

¹⁰ Cal. Elect. Code § 18304.

¹¹ See, for example, Cal. Gov't Code §34501.5, which provides:

(a) Any person who uses or allows to be used any reproduction or facsimile of the seal of the city in any campaign literature or mass mailing, as defined in Section 82041.5, with intent to deceive the voters, is guilty of a misdemeanor.

(b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.

¹² See Cal. Penal Code § 424; Cal. Gov't Code § 8314.

¹³ See Cal. Gov't Code § 84305.

¹⁴ Cal. Gov't Code § 3206. See Cal. Gov't Code § 3302.

¹⁵ See, for example, Lodi Council Protocols ("The City Clerk is the custodian of the Official City Seal pursuant to Lodi Municipal Code 2.13.010. The City Seal shall not be altered and is to be used only on official City documents."), available at www.lodi.gov/clerk/aaPDFimages/CouncilProtocols.pdf.

¹⁶ See Cal. Penal Code § 424; Cal. Gov't Code § 8314.

¹⁷ *People v. Bishop*, 2000 WL 520878 (2000) (unpublished opinion). Another element of the prosecution was the use of county resources for campaign purposes.

¹⁸ See Cal. Gov't Code § 89001.

¹⁹ See 2 Cal. Code Regs. § 18901.

²⁰ Cal. Penal Code § 538d(b)(2) (making it a misdemeanor to use a badge that would deceive an ordinary reasonable person into thinking the person is a law enforcement official). See 90 Cal. Op. Att'y Gen. 57 (2007).

²¹ City of Santa Clara, Code of Ethics and Values §1(g), available at: www.santaclaraca.gov/index.aspx?page=406.

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT, COUNTY OF ORANGE, STATE OF CALIFORNIA, ADOPTING POLICY NO. 1040, THE SEAL OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT, REGARDING THE PERMITTED USE AND FORM OF THE SEAL OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT

WHEREAS, Rossmoor Community Services District (“District”) is a district duly organized and existing under and pursuant to the Community Services District Law, Sections 61000 *et seq.* of the California Government Code; and

WHEREAS, the District is empowered by California Government Code Section 61060(b) to adopt, by ordinance, and enforce rules and regulations for the administration, operation and use of facilities and services listed in California Government Code Section 61100; and

WHEREAS, California Government Code Section 61064(a) provides that any violation of any rule, regulation or ordinance adopted by the District is punishable as a misdemeanor pursuant to Penal Code Section 19;

WHEREAS, the District desires to adopt Policy No. 1040, to set forth the permitted use and form of the District seal.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:

SECTION 1. Adoption of Policy No. 1040, The Seal of the Rossmoor Community Services District.

The Board of Directors hereby adopts, and incorporates herein by reference, the attached Policy No. 1040, The Seal of the Rossmoor Community Services District, regarding the use and form of the Seal of the Rossmoor Community Services District.

SECTION 2. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 3. Compliance with California Environmental Quality Act

The Board finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, the Board finds that this Ordinance is categorically exempt from the provisions of CEQA under Section 15301(c) and (f) of the Guidelines.

SECTION 4. Effective Date.

This Ordinance shall become effective thirty (30) days from its adoption.

SECTION 5. Publication.

The District Secretary shall certify to the adoption of this Ordinance and cause it and the incorporated exhibits, including the vote for and against the same, to be published once within fifteen (15) days of adoption in a newspaper of general circulation printed and published within the Rossmoor Community Services District in accordance with California Government Code Section 25124(a).

Adopted by the Rossmoor Community Services District Board of Directors this XX day of XX, 2021.

President
Rossmoor Community Services District Board of Directors

Attested:

I hereby certify that the foregoing Ordinance is a true copy adopted by the Rossmoor Community Services District Board of Directors regular meeting held on Month XX, 2021 and signed by Board Secretary, _____, on Month XX, 2021.

Rossmoor Community Services District

Policy No.

1040

THE SEAL OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT

1040.10 *Seal of the District.* The official seal (the “Seal”) of the Rossmoor Community Services District shall be in the form of a disc, which diameter and colors may vary, the face of which is as set forth below:



1040.20 *Use of Seal.* No person shall make or use the Seal of the District, or facsimile thereof, in any form or media whatsoever, for any purpose other than for the official business of the District, its Board of Directors, officers or departments, except upon approval of the Board of Directors by ordinance, policy or resolution. Any person violating this provision shall be guilty of a misdemeanor.

1040.30 *Imitation of Seal.* No person shall place any imitation of the District Seal on any written or printed material, whether tangible or intangible, that is designated, calculated, intended or likely to confuse, deceive or mislead the public or cause the reader of such written or printed material to believe it to be an official District publication, and no person shall circulate, distribute or display any such written or printed material, whether tangible or intangible, within the District. Any person violating this provision shall be guilty of a misdemeanor.

1040.40 *Custodian of Seal.* The Secretary of the Board of Directors shall be the official custodian of the Seal of the District.

Adopted by Ordinance No. 2021-xx

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM H-2

Date: February 9, 2021
To: Honorable Board of Directors
From: General Manager Joe Mendoza
Initiated by: Arborist Mary Kingman
Subject: RESIDENT PARKWAY TREE REMOVAL REQUEST

RECOMMENDATION

It is recommended that the Rossmoor Community Services District (RCSD) Board of Directors review the reports prepared by the District Arborist and an independent arborist retained by the homeowner and make a decision regarding the parkway tree removal request for 11491 Kensington Road.

BACKGROUND

The RCSD Tree Committee meeting convened at 7 p.m. on Thursday, November 12, 2020 in the Auditorium at Rush Park and was attended by Tree Committee members Director Jeff Barke and Director Mark Nitikman, RCSD General Manager Joe Mendoza, and District Arborist Mary Kingman. Item C-2 on the Tree Committee agenda was a request by a resident for the removal and replacement of two American Sweetgum trees at 11491 Kensington Road.

Rossmoor resident and homeowner Rolanda Schmidt submitted a letter (Attachment 1) to the District requesting that the parkway trees in front of her home at 11491 Kensington Road be removed and replaced. In her letter, she stated the reasons for her request being tree root encroachment within the parkway, as well as in her front yard, concrete walkway, and parkway water meter. The trees in question are two Liquidambar styraciflua, also known as American Sweetgum. These trees are approximately 20 years old and each tree has an estimated value of \$3,260.00. As required by District Tree Policy, the trees have been properly maintained.

In response to Ms. Schmidt's concerns, the District Arborist provided clarity regarding root-pruning guidelines within the parkway and gave permission to the resident to prune roots as they see fit within their property on the homeowner's side of the sidewalk. Other issues that were addressed included assessing the lifting of the sidewalk and curb and gutter. As a result, Orange County Public Works (OCPW) evaluated the hardscape and reviewed the history of repairs at the site. OCPW did not feel the trees warranted removal and identified a section of the sidewalk for grinding. The final concern by Ms. Schmidt was that tree roots may be damaging the water line and meter. Therefore, the District Arborist requested an inspection by Golden State Water that determined that there was no damage to either the water line or the meter by the trees, however, they replaced the water meter and meter box because of age.

FINDINGS

Mr. David Schmidt was present at the November 12, 2020 Tree Committee meeting and explained his dilemma with the roots and the issues they have caused. He also stated that the tree closest to his driveway shifted during the recent heavy winds. He stated that he does not want to prune roots in his yard for fear that this will result in instability.

Arborist Mary Kingman repeated her recommendation that roots within the parkway that are larger than 3" in diameter and within 5' of the base of the tree should not be pruned, but that pruning roots within the front yard should be allowed. After Mr. Schmidt explained his concerns related to pruning the roots within his front yard, Directors Barke and Nitikman had questions for Ms. Kingman regarding roots and the specific species. Director Nitikman suggested to Mr. Schmidt that he get an independent arborist assessment regarding root pruning in his yard. Director Barke suggested that if could not get a certified arborist, that an experienced landscaper's recommendation would suffice. Both Directors advised Mr. Schmidt to bring a written report by an arborist or professional landscaper with him to the December 9, 2020 RCSD Board meeting to include with his tree removal request. Subsequently, the Schmidt's retained an independent arborist and they have submitted his findings (Attachment 2).

District Arborist Kingman has prepared her evaluation of the trees' health and stability in accordance with District tree policy (Attachment 3).

Mr. Schmidt did not attend the December 9, 2020 RCSD Board meeting and requested that this item be postponed until an alternative to in-person attendance was available because of COVID-19. Therefore, the Schmidt's have indicated that they will participate in the February 9, 2021 meeting remotely.

In accordance with RCSD Tree Policy, the District Arborist has determined that both trees are healthy and neither tree shows cause for concern of being hazardous or at risk of failure.

ATTACHMENTS

1. Letter submitted by Rolanda Schmidt dated October 23, 2020 requesting tree removal
2. District response to removal request
3. Independent arborist report (retained by the Schmidts)
4. Arborist report provided by District Arborist Mary Kingman

The following serves as a written removal request from resident Rolanda Schmidt. It was sent to Joe Mendoza in the form of a text message sent on October 23, 2020:

'This huge route is bigger than 2 inches it is going to grow back bigger and longer it is already in our yard we had to cut a piece that was coming out of the sidewalk so we could put in a sprinkler line I'm putting this in writing that somebody needs to come over and look at this I don't see any other Rossmore homeowners doing this kind of work right now and I'm sorry but the sprinklers are costing me more money broke because of these trees Joe what are you thinking what are we doing here the irrigation people had to leave you told me not to touch any more routes so I touch the roots on my side but I don't need these routes regrowing on my side I'm being fair and polite and civil

I understand that part but when I saw the huge roots coming under the sidewalk into my yard it scared me to death and he said the roots will keep growing unless you put a root barrier there

I just spoke to Fred at orange county Arborists Oc sent him a video of the tree and the roots then I showed him the huge route coming underneath the city sidewalk into my front yard he said a root barrier will not work removing the tree is the only option unless you come in and cut out all the roots But the bottom line is and he said Mary knows this the tree needs to come out it's detrimental to my property

All roots in that grass belt and under sidewalk must be removed before they immediately ruin our property whether it be sewer, water lines, my concrete patio and new landscape. If you can get that done and check area on my property by sewer and water main to assure immediate damage ISNT weeks or months away. Irrigation Company said if they lay irrigation those trees can within months bust that again, our irrigation already damaged and we told Mary....no offer to pay, or acknowledge even during a pandemic the financial hardship people may have and now I open your letter...Your sidewalk is not what was broken this time it was my original Rossmoor walkway that was being lifted up by the roots we dug down we showed this to Mary so we pulled out our walkway I don't need more concrete poured out front on the city sidewalk read my message about the roots let's do this right

I have not forgotten but I see that you have chosen to not respond someone came out and mark the sidewalk to either be sanded down which looks horrible or removed the route is underneath the sidewalk and needs to come out or I will get an attorney

I did that already. Mary didn't even take photos when here and now it would need to be dug to see large root under city sidewalk. I took pics! We cannot put irrigation roots to large.

I don't particularly want Mary here it's Dr. Barke and the other gentleman

that should be here. This is the video the dirt on our end has now been put back but there is a huge trunk underneath the sidewalk you can see it in the picture and that will grow back according to the arborist that did a 60 page report for you

My promise to you still stands yes the trees need to come out it is irresponsible to leave them in and a misuse of funds.. I am willing to wait to have them removed but she promised she would have someone come out and remove these roots! Her attitude towards the fact that these routes damage to our irrigation she did not seem to care nobody offered to reimburse us nobody apologize that the tree roots ruined our original Rossmoor walkway which we now had to remove what I'm saying is there is a route probably several underneath the city sidewalk that need to come out because according to two tree arborist they will continue to grow into our front yard and tear up our irrigation our concrete our sewer and our Watermain have a good day

From: Rolanda Schmidt <[REDACTED]>
Date: October 7, 2020 at 5:35:03 PM PDT
To: Joe Mendoza <[REDACTED]>
Subject: 11491 Kensington

Thank you for so you so much for listening....For my family these are intense times not to mention unprecedented and while the tree does not seem to be diseased there is some root rot not to mention overgrown neglected roots that if you route from them the tree could topple over causing much more damage we have a sprinkler guy coming on Tuesday to install irrigation. It cannot be installed where are the trees are due to blockage of about 90% roots we have waited months for this landscaper and would like to have everything done before the holidays I would be devastated if we put in our new walkway and these trees damage that as they have already broken our irrigation. I have been told we broke the law by trimming our own trees we pay for the watering of the trees and the sprinklers apparently are our responsibility but your trees broke our sprinklers. The tree roots as you can see have the water meter concrete box almost at a 45° angle I will not pay if this breaks. Thank you for listening thank you for acting like a neighbor. I had to text you the video as it was too long to send in an email I tried mail drop but it did not work.

Rolanda and David Schmidt



ROSSMOOR COMMUNITY SERVICES DISTRICT
3001 BLUME DRIVE, ROSSMOOR, CA 90720 / (562) 430-3707 / FAX (562) 431-3710

October 9, 2020

Rolanda Schmidt
11491 Kensington Rd.
Rossmoor, CA 90720

Dear Ms. Schmidt,

I understand your frustration in landscaping your front yard. In our attempt to assist you, we have contacted Orange County Public Works regarding the sidewalk. They have confirmed a County Inspector will be out to assess the sidewalk. They have also informed us the sidewalk was replaced in 2008. Additionally, Golden State Water will also be inspecting the water meter and meter box.

After inspection by our District Arborist, it was determined the trees are healthy and not showing any sign of pest or disease. Under attached District Tree Policy No 3080, you will find the trees do not currently qualify for removal.

Please confirm your request to remove the trees to be as follows:

1. The roots from the trees are interfering with landscape work and irrigation installation.
2. The roots from the trees are lifting your front walkway.
3. The roots from the trees have lifted the sidewalk.
4. The roots of the trees may cause damage to the water meter and water line.
5. The trees drop seed ball litter and sap onto cars.

As outlined in the policy (see attached), you are welcome to appeal my decision in writing, in which case your appeal and request for tree removals will be presented to the Tree Committee at a future scheduled meeting that you would be welcome to attend.

Thank you,

Joe R. Mendoza
General Manager
jmendoza@rossmoor-csd.org
www.rossmoor-csd.org

Rossmoor Community Services District
3001 Blume Drive, Rossmoor, CA 90720
[562.430.3707, Ext. 106](tel:5624303707)



11/23/2020

Rolanda Schmidt
11491 Kensington Rd.
Los Alamitos, 90720

Re: Parkway Liquidambar Trees

Scope of Work:

Consultation on the consequences of root pruning the two Liquidambar trees, vs. removal of them and possible future damage to any structures on your property if trees are not removed or root pruned.

Observations:

1. Large roots on the house side of the sidewalk.
2. Large buttress roots within the parkway heading towards sidewalk.
3. Some buttress roots within the parkway have evidence of past root pruning and some decay present in roots. See Photo 1 - 3.

Conclusion:

It is my opinion that due to the existing root pruning of the buttress roots within the parkway, how close they were pruned to the base of the tree, the presents of some decay already started within the roots and the limited space the tree has had to develop its structural roots . I believe it is possible the trees structural integrity could already be compromised, and failure of the tree is possible as well as the future health of the trees roots and canopy. Any continual root pruning within the parkway would certainly increase the likelihood of failure and not recommend. Based on this without continual root

PG 1 of 3

pruning or complete tree removal the possibility of future damage to your structures on your side of the sidewalk is possible.



Photo 1



Photo 2



Photo 3

PG 2 of 3

ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the opinion's and recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.

Any Questions feel free to contact me.

**Respectively Submitted,
Fred De Maria
Certified Arborists # WE 1702A**

PG 3 of 3

5942 Edinger Ave. Ste. 113-153 Huntington Beach, Ca. 92649

PH# 714 492 9177

February 3, 2021

Arborist Report on Parkway Trees located at 11491 Kensington Rd.

OBSERVATIONS: On February 2, 2021, I performed a Level 2 basic risk assessment on two Liquidambar styraciflua trees, commonly known as American Sweetgum. During a Level 2 Basic assessment, an Arborist will walk completely around a tree and look for defects in all visible areas of the tree, including the trunk, crown, visible roots, and soil along with any site features which may affect the tree. The trees are growing in a front facing parkway at 11491 Kensington Rd. The trees are approximately 20 years old, each having a value of \$3260.00. The trees both appeared to be healthy both having 50-60% live crown ratio. At the time of my visit, the trees were in their dormant winter state and there was no foliage to observe. The trees were previously topped by the resident in December of 2019. This unauthorized pruning resulted in a violation letter sent to the resident at that time. The topping cuts made during that trim resulted in rapidly growing, weak shoots which were correctly removed by our tree contractor, WCA when they trimmed the tree on November 17, 2020 as part of the scheduled grid trim. The area manager for WCA inspected the trees after the recent pruning and confirmed that no improper pruning cuts were made by the WCA crew. I observed sapping on the lower trunk of the south tree, which may or may not be a sign of health issues within the tree. During my previous visit to the site on October 23, 2020, the parkway was being worked on by a landscaping crew. With the lawn removed and soil tilled and piled throughout the parkway, I was not able to observe the tree roots during that visit. I had observed that there was a large diameter surface root on the north tree that extended from the base of the trunk to the sidewalk. My more recent visit revealed several surface roots extending from both trees, with buttress roots extending from the trunk to a distance ranging from 3-5' and at sizes ranging from 4-8" in diameter. The larger diameter roots that extend towards the sidewalk had been previously pruned during sidewalk replacement, the date of which was confirmed by Orange County Public Works as being in April of 2008. There is evidence of decay at the sites of these pruning wounds. Along with these large roots, smaller diameter roots extend throughout the parkway in sizes ranging from 1-3" diameter.

RISK ASSESSMENT: The risk assessment for these trees was performed using the TRAQ method, which involves a matrix rating system for determining risk. The tree part that was assessed for risk in both trees was the roots. The likelihood of failure was determined to be 'possible'. The potential target for tree failure being the house, parked vehicles, moving vehicles and pedestrians. The likelihood of impact is determined to be

'medium' for parked vehicles and 'low' for other targets. The likelihood of failure and impact was determined to be 'unlikely'. If failure did occur, the consequences range from minor to severe. Taking the above factors and ratings into account, the risk rating for both trees is 'low'.

SUMMARY: Based on my visual observations of the trees at the time of assessment, it is my recommendation that the buttress roots continue to be monitored for further decay and that both trees be monitored for health and safety. Since large diameter roots should be pruned at a minimal distance of 5 times the trunk diameter so as not to compromise the health and stability of the tree, the large diameter surface root on the north tree should not be pruned due to its proximity to the trunk base. The arborist report provided by the resident does not address the question that was posed at the Tree Committee Meeting of November 12, 2020, which is whether the roots can be pruned on the property owner's side of the sidewalk. My report provided at that meeting already stated that larger diameter roots should not be pruned within the parkway but could be pruned on the property owner's side of the sidewalk. The report provided by Arborist Fred De Maria states that it is *"...possible that the trees structural integrity could already be compromised, and failure of the tree is possible..."*. I would say that anything is "possible" with trees. The words "probable" or "imminent", which would indicate a higher tree risk, are not used in that report.

Thank you,

Mary Kingman
District Arborist
ISA Certified Arborist #WE-11440A
ISA Qualified Risk Assessor (TRAQ)
mkingman@rossmoor-csd.org
www.rossmoor-csd.org
Rossmoor Community Services District
3001 Blume Drive, Rossmoor, CA 90720
[562.430.3707, Ext. 106](tel:562.430.3707)

November 6, 2020



SCREENSHOT IMAGE PROVIDED BY OCPW OF SIDEWALK REPLACEMENT IN APRIL 2008



FEBRUARY 2, 2021







ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM H-3

Date: February 9, 2021

To: Honorable Board of Directors

From: General Manager Joe Mendoza

Subject: RECAP OF THE JANUARY 21, 2021 TRAFFIC SAFETY ADVISORY
AD HOC COMMITTEE MEETING

RECOMMENDATION

Review and discuss information provided; provide direction regarding Orange County Public Works' concept to restripe Montecito Road to provide parking lanes.

BACKGROUND

The RCSD Traffic Safety Advisory Ad Hoc Committee met on January 21, 2021 to review traffic safety information and recommendations from Orange County Public Works (OCPW). Because a holistic approach is desired to provide the best outcome for the Rossmoor community, this review process has been ongoing. The January 21 Committee meeting included representatives from the Rossmoor Homeowners Association (RHA), Los Alamitos Unified School District (LAUSD), Orange County Sheriff's, California Highway Patrol, and community members.

INFORMATION

At the direction of the RCSD Board of Directors, staff gave approval to Orange County Public Works (OCPW) to begin the process of instituting the following traffic safety measures:

1. Replace current 30-inch stop signs at Bradbury Road, Copa De Oro Drive, and Mainway Drive on both sides of Montecito Road, with 36-inch stop signs for better visibility. *This has been completed.*
2. Provide a strip of retroreflective material on the supports of the stop signs identified above; material to be at least 2-inches in width, placed for the full length of the support from the sign to within 2-feet above the edge of the roadway, and its color shall match the background color of the sign, to further enhance

visibility. *A work order has been prepared and installation is forthcoming.*

3. Work with the California Highway Patrol (CHP) and OCPW to schedule their respective portable Radar Speed Feedback Sign (RSFS) trailers throughout the community during 2021 (see Attachment 1). *This has been completed.*
4. The Traffic Safety Advisory Ad Hoc Committee suggested that research be done regarding the purchase of a portable Radar Speed Feedback Sign (RSFS) trailer to supplement the trailers being placed by CHP and OCPW. This would provide increased awareness.
5. Staff is working with OCPW to secure a Geographic Information System (GIS) map that will show locations of existing street signs and street markings within Rossmoor. Upon receiving the information, a Traffic Safety Advisory Ad Hoc Committee meeting will be scheduled to evaluate the consistency of the existing signage and road markings throughout Rossmoor.

One of the measures recommended by OCPW as an alternative solution to slowing speeds in Rossmoor is restriping to identify parking lanes and changing the width of driving lanes in order to slow down traffic. The General Manager inquired about the effectiveness of lane width reductions and received information from Denise Esguerra, OCPW Civil Engineer Assistant – Traffic Investigations stating that studies indicate that it is effective in decreasing speed (Attachment 2).

The General Manager asked OCPW for sample locations to view that utilize the lane configuration that OCPW suggested. Subsequently, the General Manager toured an unincorporated area of Tustin and determined that Hedwig Road and Foster Road are similar to the Tustin example (Attachment 3). Thus, this concept is already being used in Rossmoor. At their January 21 meeting, the Traffic Safety Advisory Ad Hoc Committee reviewed this concept and recommended that it be considered by the RCSD Board of Directors to add parking lanes: a) from St. Cloud Drive to Montecito Road, through Orangewood Avenue; or b) consideration be given to restriping from St. Cloud Drive to Montecito Road, to Bradbury Road. Attachment 4 is a depiction of the existing lane striping and the proposed parking lane striping on Montecito Road.

Because OCPW will be making roadway improvements in July 2021, they are requesting direction from RCSD by February 11, 2021 in order to incorporate the new striping lanes into their plans. Therefore, the RCSD

Board of Directors needs to take action on this item at their meeting for this concept to be implemented if desired.

ATTACHMENTS

1. RCSD Portable Radar Speed Feedback Trailer Locations
2. Email from Denise Esguerra, Civil Engineer Assistant, Traffic Investigations
3. Photos of Hedwig Road and Foster Road showing parking and traffic lanes.
4. Montecito Road Proposed Parking Lane Striping

| ROSSMOOR COMMUNITY SERVICES DISTRICT | | | |
|---|---------------------------|----------------------------------|--------------------------|
| PORTABLE RADAR SPEED FEEDBACK TRAILER SIGN LOCATIONS | | | |
| OC PUBLIC WORKS | | CALIFORNIA HIGHWAY PATROL | |
| JANUARY | Tigertail & Oakway | JANUARY | Ruth Elaine & Martha Ann |
| FEBRUARY | Martha Ann & Channing Way | FEBRUARY | Hedwig & Kittrick |
| MARCH | Bostonian & Foster | MARCH | Shakespeare & Harrisburg |
| | | | |
| APRIL | Montecito & St. Cloud | APRIL | Kempton & Oak Leaf |
| MAY | Foster & Gertrude | MAY | Mainway & Silverfox |
| JUNE | Bradbury & Montecito | JUNE | Bostonian & Foster |
| | | | |
| JULY | Yellowtail & Silver Fox | JULY | Martha Ann & Copa De Oro |
| AUGUST | Mainway & Foster | AUGUST | Tigertail & Christy Lane |
| SEPTEMBER | Kempton & Silver Fox | SEPTEMBER | Montecito & Shakespeare |
| | | | |
| OCTOBER | Shakespeare & Kensington | OCTOBER | Bostonian & Montecito |
| NOVEMBER | Hedwig & Wallingsford | NOVEMBER | Kempton & Martha Ann |
| DECEMBER | Ruth Elaine & Donnis | DECEMBER | Yellowtail & Silverfox |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Date: January 21, 2021 at 4:08:55 PM PST
To: "Esguerra, Denise" <Denise.Esguerra@ocpw.ocgov.com>
Cc: "Zhu, Wei" <wei.zhu@ocpw.ocgov.com>
Subject: Re: Lane Width Reduction Information

Thank you.

Sent from my iPhone

On Jan 21, 2021, at 3:25 PM, Esguerra, Denise
<Denise.Esguerra@ocpw.ocgov.com> wrote:

Hi Joe,

As per our conversation, here's a summary of how lane width reductions have helped with traffic calming.

Studies have shown that decreasing vehicle travel lanes reduces vehicle speeds and increases safety since narrowing the travel lane can make drivers instinctively slow down. We have implemented travel lane reductions to reduce speeding on various County roads. An example would be the speeding issue that we had on Fairlynn Blvd (from Crestknoll Drive to Oakvale Drive). Fairlynn Blvd is a residential street with a posted speed of 25 mph; however, residents have shown concern of the speeding on the roadway and it was found that the 85th percentile speed was 36 mph. As a result, Traffic Engineering restriped the road segment from 20-ft travel lanes to 11-ft travel lanes with 8-ft parking lanes on each direction. These changes showed in a decrease of speed with an 85th percentile speed of 29 mph in 2016.

Please feel free to contact me if you have any other questions.

Thank you,

Denise Esguerra
Civil Engineer Assistant, Traffic Investigations
OC Public Works | Traffic & Development Support
Telephone: (714) 245-4567
Email: denise.esguerra@ocpw.ocgov.com







2. Speeding on Montecito Road

Alternative C: Parking Lane Striping

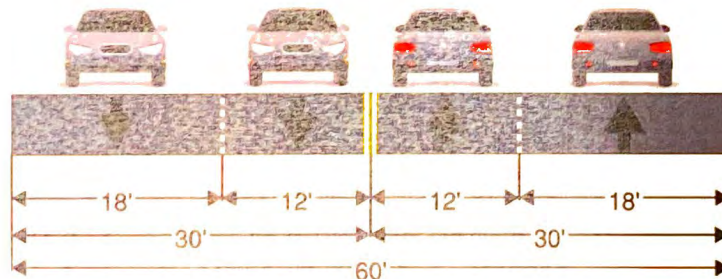
Current:

4 Lanes – Undivided
60' Crossing Traffic Distance

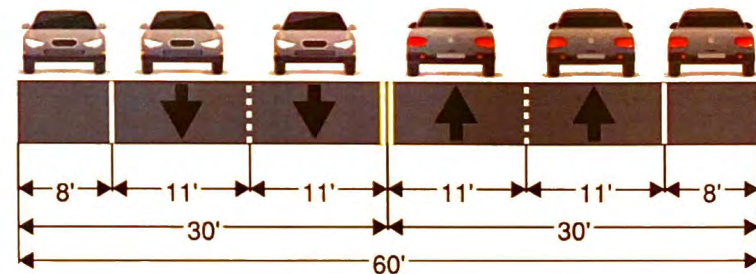
Proposed:

4 Lanes – Undivided
Parking Lane
44' Crossing Traffic Distance

EXISTING MONTECITO ROAD



PROPOSED MONTECITO ROAD



ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM H-4

Date: February 9, 2021
To: Honorable Board of Directors
From: General Manager Joe Mendoza
Subject: ADOPTION OF FY 2021-2022 BUDGET CALENDAR

RECOMMENDATION:

Review and adopt FY 2021-2022 Budget Calendar

BACKGROUND:

Policy No 3020 Budget Preparation and Revision requires that the General Manager prepare, and the Board adopt a Budget Calendar for the succeeding fiscal year. Attached is the proposed Budget Calendar for your consideration. Some dates, such as the review by Board Committees, may be adjusted based on the availability of Committee members on the dates specified. Otherwise, most other dates are dictated by your policy.

ATTACHMENTS:

1. FY 2021-2022 Budget Calendar
2. Policy No. 3020

FY 2021-2022 BUDGET CALENDAR



| | |
|--------------------------|---|
| February 9, 2021 | Submit Budget Calendar to Board |
| February 23, 2021 | CIP Committee Meeting |
| February 25, 2021 | Budget Committee Meeting |
| March 9, 2021 | Submit 2021-2022 Amended Budget Board Meeting |
| May 12, 2021 | Staff Budget Meeting By |
| May 18, 2021 | Complete FY 2020-2021 Estimates to Close |
| May 20, 2021 | Complete Preparation of FY 2021-2022 Preliminary Budget |
| May 25, 2020 | Review Preliminary Budget with Public Works/CIP Committee |
| May 27, 2021 | Review Preliminary Budget with Budget Committee |
| June 8, 2021 | Present Preliminary Budget to the Board |
| June 8, 2021 | Board adopts Appropriations Limit by Resolution |
| June 19, 2021 | First Public Hearing Notice is Published in Local Newspaper |
| June 26, 2021 | Second Public Hearing Notice is Published in Local Newspaper |
| July 13, 2021 | Final Budget is Submitted to the Board for Adoption at a Public Hearing by Resolution. |
| August 10, 2021 | Adoption of Final Budget |

Rossmoor Community Services District

Policy

No. 3020

BUDGET PREPARATION, ADOPTION AND REVISION

3020.10 Budget Calendar: This policy shall serve as the budget calendar unless the Board modifies the dates herein. If so, the General Manager shall prepare and the Board shall adopt a budget calendar for the succeeding fiscal year at the March meeting of the Board.

3020.20 Preliminary Budget: A Preliminary Budget based on current year estimates to close and on forecasting of expected revenues and expenditures for the succeeding fiscal year shall be prepared by the General Manager by April 30. The Preliminary Budget shall conform to generally accepted accounting and budgeting procedures for special districts.

3020.21 RCSD Five-Year Fiscal Plan: Concurrently with the preparation of the Preliminary Budget, the General Manager shall update the Plan for review by the Budget Committee.

3020.25 Public Works/CIP Committee: The Public Works/Capital Improvement Projects (CIP) Committee is comprised of two Board members and the General Manager. The President of the Board appoints the members of the Committee

3025.26 Capitol Project Budget: Prior to the development of the Preliminary Budget, the Public Works/CIP Committee shall meet and make recommendations to the Board on recommended capital improvement projects for inclusion in the proposed Fund 40 budget portion of the Preliminary Budget. Capital improvement projects shall be those projects with an estimated cost of \$5,000 or over and have a five-year service life. Projects of a lesser amount or of less than a five-year service life will be included in the appropriate departmental budgets of Fund 10 of the Preliminary Budget.

3020.30 Budget Committee: The Budget Committee is comprised of two Board members and the General Manager. The President of the Board appoints members to the Committee.

3020.31 Presentation of Preliminary Budget: The Budget Committee shall review the Preliminary Budget prepared by the General Manager and make recommended changes. The General Manager shall present the amended Preliminary Budget to the Board at its meeting in May.

3020.40 Preliminary Budget: The proposed Preliminary Budget, as reviewed and amended by the Budget Committee, shall be reviewed and approved by the Board at its May meeting.

3020.50 Appropriations Limit: On or before July 1 of each year, the Board shall adopt a resolution establishing its appropriations limit pursuant to Section 61113 of the Government Code.

3020.60 Public Hearing Notice: On or before July 1 of each year, and at least two weeks before the hearing, a notice of public hearing shall be published in a newspaper of general circulation, which specifies the following:

3020.61 Availability for Inspection: The proposed Final Budget shall be available for inspection at a specified time in the District office.

3020.62 Public Hearing: The date, time and place of the meeting of the Board when the Board will meet to adopt the Final Budget and that any person may appear and be heard regarding any item in the budget or the addition of other items.

3020.70 Second Public Notice: The public notice must be published a second time at least two (2) weeks before the Final Budget hearing in at least one newspaper of general circulation in accordance with Section 61110(d) of the Government Code.

3020.80 Final Budget Adoption: The General Manager shall submit a Final Budget to the Board as soon as practicable, but no later than the meeting of the Board in August. The Final Budget shall be based on the latest financial data available or the audited numbers for the previous fiscal year, if available. At the August Board meeting or sooner, the Board will hold the public hearing on the Final Budget and upon completion of the public hearing will consider adoption of the Final Budget. On or before September 1 of each year, the Board must adopt a Final Budget that conforms to generally accepted accounting and budgeting procedures for special districts. Immediately thereafter, the Board shall adopt a Resolution stating the District Annual Budget Revenues and Expenses Totals by Fund.

3020.90 County Auditor: After Final Budget adoption and completion of the District's Financial Audit, the General Manager shall forward a copy of both documents to the County Auditor.

3020.100 Budget Adjustment: The Budget Committee shall review budget adjustments prepared by the General Manager prior to the February Board meeting. The General Manager shall present budget adjustment recommendations at the February meeting of the Board. The Board shall review current revenue and expenditure projections and make necessary adjustments to the current Budget, which are reflective of the District's current financial condition. The Board shall adjust the budget, if necessary, by adoption of a resolution amending the budget.

3020.110 Budgetary Control: Control of movement of funds is governed by Policy No. 3021 Budgetary Control.

Amended: November 9, 2004

Amended: January 11, 2005

Amended: April 10, 2007

Amended: October 9, 2007

Amended: January 13, 2009

Amended: January 10, 2012

Amended: February 14, 2017

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM I

Date: February 9, 2021
To: Honorable Board of Directors
From: General Manager Joe Mendoza
Subject: GENERAL MANAGER ITEMS

RECOMMENDATION

Receive and file.

BACKGROUND

In addition to the day to day operations of the District, the General Manager has been working on the following projects:

1. On Friday, January 21, 2021, Director Nitikman and the General Manager had a conference call with representatives from Orange County Waste and Recycling to discuss the upcoming Request for Proposals (RFP) for the collection of waste. This will affect Rossmoor as the current contractor serving the District, CR&R, will have to submit an RFP if they wish to be considered for the new contract. During the conversation, Director Nitikman pointed out that the RFP should include a structured time schedule for trash pickup, a performance clause that would require a financial penalty for failure to perform. We also discussed the need for a designated Orange County Waste and Recycling representative that would field service complaints and serve as a liaison for the District. Because the trash vendor is contracted by the County, the District has had difficulty with responsiveness and sporadic service.

Discussion also took place regarding AB 939 – the California Integrated Waste Management Act. This state law requires each jurisdiction in California to divert at least 50 percent of its waste away from landfills, whether through waste reduction, recycling or other means. Therefore, the County of Orange will go to a three-barrel collection system. Rossmoor residents will be notified when this is being implemented and provided with new trash barrels.

2. The Trunk Project along Los Alamitos Boulevard and Seal Beach Boulevard (manhole covers) will be scheduled by Orange County Public Works (OCPW). Advertising for the project began in January 2021 with the award of the contract anticipated in April 2021, and construction is scheduled to begin summer 2021. There will be no afterhour's impact to our residents for construction being done from Katella Boulevard to Bradbury Road. The General Manager continues to work with OCPW to plan the outreach to residents along Seal Beach Boulevard from St. Cloud Drive to Lampson Avenue to inform them of work that will be done afterhours and assure them of the measure that will be taken to alleviate disruption and noise levels. There are approximately 12 homes that will be impacted. OCPW will provide adequate notice and information to the residents as the project plans progress.
3. Street Sweeping Update: The General Manager and District Counsel have communicated with OCPW administration and County Counsel and are in process of finalizing a resolution and an agreement to be presented for approval by the Orange County Board of Supervisors. At this point, a definite date has not been announced. We continue to wait for County Counsel to provide final documents for our review.

In addition, staff has contacted the County's Geographic Information Systems (GIS) department to obtain a detailed map outlining possible street sweeping patterns for an odd/even street sweeping schedule. In anticipation of the resolution and agreement being finalized, there has been discussion with the current street sweeping vendor, RF Dickson, regarding his company's ability and/or interest to accommodate an odd/even schedule.

A RFP is being prepared should the District go out to bid for street sweeping services.

4. Orange County remains in the purple zone, therefore churches remain outdoors for services. As the Board is aware, this is an ever-changing process with new court rulings and modifications. Staff will keep the Board and our website updated to provide our residents with the most current information possible. We continue to practice good health and safety measures by reminding patrons and staff to wear masks, utilizing gloves while wiping down playgrounds, restrooms and door handles.

5. The General Manager and staff have been working with the District's contract accounting firm, The Pun Group. During the past two months, The Pun Group has been reconciling bank statements, processing accounts receivable and accounts payable, and evaluating and streamlining the District's accounting processes. A full financial report will be presented to the Board at the March meeting by Ken Pun.

At the Board's direction, the goal is to increase accountability, transparency, and implement best practices to have consistent and sound accounting processes.