

AGENDA

ROSSMOOR COMMUNITY SERVICES DISTRICT

TREE COMMITTEE MEETING

RUSH PARK
Administration Building
3001 Blume Drive
Rossmoor, California

Tuesday, June 25, 2019
7:00 a.m.

A. ORGANIZATION

1. CALL TO ORDER: 7:00 a.m.
2. ROLL CALL: Directors DeMarco, Nitikman
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

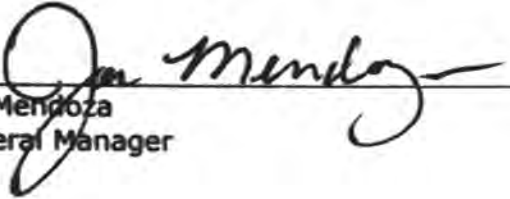
1. CITIZEN REQUEST FOR REMOVAL OF A CALIFORNIA SYCAMORE TREE FROM PARKWAY
2. CONSIDERATION OF AN ADMINISTRATIVE CITATION PROGRAM TO ADDRESS VIOLATIONS OF DISTRICT POLICY.
3. DISCUSSION REGARDING THE POSSIBILITY OF DISTRICT ISSUED PARKWAY TREE TRIMMING PERMITS.

D. ADJOURNMENT

CERTIFICATION OF POSTING

I hereby certify that the attached Agenda for the June 25, 2019, 7:00 a.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 6/21/19

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM C-1

Date: June 25, 2019

To: Tree Committee

From: Joe Mendoza, General Manager

Initiated By: Mary Kingman, District Arborist

Subject: **Citizen Request for Removal of a California Sycamore Tree from Parkway**

RECOMMENDED ACTION

RCSD General Manager recommends that the Tree Committee review and respond to resident Dan Suffel and his request to RCSD to have the tree in the parkway in front of his home removed and replaced.

BACKGROUND

Rossmoor property owner Dan Suffel is requesting removal of the California Sycamore tree that is located in the parkway in front of his property at 12451 Martha Ann Dr. The tree roots have uplifted the concrete pavers in the front yard of the home and Mr. Suffel is concerned about the roots damaging the foundation of the home. He is also requesting removal because of sewer issues that he believes are caused by the roots of the tree.

ATTACHMENTS

1. Arborist report from District Arborist Mary Kingman
 2. RCSD sewer policy
 3. Orange County Municipal Code on Landscaping Requirements
-

June 19, 2019

Arborist Report on Parkway Tree located at 12451 Martha Ann Dr.

OBSERVATIONS: The tree in question is a *Platanus racemosa*, commonly known as California Sycamore. The tree has a trunk diameter of approximately 36 inches and is approximately 70 feet tall. The tree has an estimated value of \$17,220.00. The tree is growing in the front parkway of the home. The parkway does not feature irrigation and the tree is not regularly irrigated. The tree has a nicely balanced crown and good structure, with no co-dominant stems or defects. Besides smaller dead twigs and branches, there are no dead, decayed or dying limbs within the crown. The base of the tree appears healthy, with no sign of root disease or decay. There is no sign of pest within the trunk, limbs or leaves. The tree contributes aesthetic, social and environmental benefits to the community. Roots from the tree have lifted the sidewalk and the pavers within the front yard area.

HISTORY: There was a large limb failure reported on the tree on August 1, 2018. The cause of the limb failure was 'sudden branch drop', also known as 'summer branch drop', a phenomenon in which healthy trees drop limbs for no apparent reason during hot weather. The size of the limb was not recorded, but it was noted as 'large', meaning at least 8' long and at least 5" in diameter. There are no other recorded limb failures for this tree within the last 7 years. The tree has been regularly trimmed by RCSD contract arborist, West Coast Arborist with recorded job history listed below.

Crew	Date	Work Type / Comments	Job # / Acct #	Invoice
WCA	01/24/2018	Tree Pruning > 18 DSH	39611	134003
WCA	09/11/2013	Tree Pruning > 18 DSH	25232	91065
WCA	10/06/2009	Tree Pruning > 18 DSH	14464	61897
WCA	06/20/2007	Tree Pruning > 18 DSH	9694	47825
WCA	01/10/2006	Tree Pruning > 18 DSH	8432	40302
WCA	08/02/2002	Tree Trimming > 18 DBH	5167	
WCA	07/18/2000	Safety Trim	3589	

SUMMARY: Based on my visual observations of the tree at the time of inspection, I do not have concern that this tree is unhealthy, hazardous or at risk of failure. The roots of the tree are visible beneath the paved yard area and are likely seeking water that is leaking from a damaged sewer lateral. If the sewer was repaired and a stronger, more durable plastic as opposed to older pipes with clay connectors was installed, the roots would be unable to

penetrate this material. If sewer water was not seeping from the pipes and tree was irrigated on a regular basis, the roots would not need to seek water elsewhere. The root damage to the non-permeable surface in the front yard area could be resolved with removal of this material and a conversion to a greener and more permeable landscaped area.. If done properly, the pruning of surface roots in the front yard area would be acceptable being that those roots are at an adequate distance from the base of the tree; although monitoring the tree for any health or structural changes that could result from root pruning would be recommended. It should be noted that the County of Orange has confirmed that it is a code violation to completely pave an entire front yard in non-permeable materials.

Thank you,
Mary Kingman

ISA Certified Arborist #WE-11440A

mkingman@rossmoor-csd.org

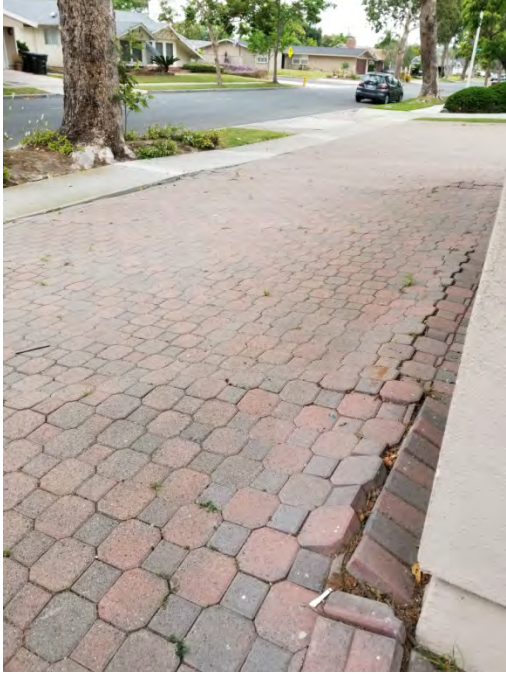
www.rossmoor-csd.org

Rossmoor Community Services District

3001 Blume Drive, Rossmoor, CA 90720

[562.430.3707, Ext. 106](tel:562.430.3707)





RSCD Tree Policy: TREE ROOTS IN SEWER LINES

The majority of tree roots are found in the top 24 inches of soil and far above the depth of a sewer line. Tree roots entering into lateral sewer lines are seeking water and sewage leaking from old clay sewer line joints that are broken. Although tree roots will seek out the water and nutrients that are seeping from these broken sewer connections, they are not the cause of the breakages. Since the majority of sewer lines in Rossmoor are original to when the homes were built in the late 1950s, they have deteriorated because of age and the materials that were used when they were installed.

The RCSD policy is to preserve our valuable urban forest and not to remove healthy trees. An exception will be made when, in order to repair or replace a line, it is necessary to cut away significant tree roots that would undermine the structural integrity of the tree.

For removal to be considered, the resident must provide a letter to RCSD from a certified plumbing contractor stating that the sewer line connection sits directly under the tree and cannot be repaired due to the tree or its roots.

COUNTY OF ORANGE MUNICIPAL CODE: Sect. 7-9-132.2. - Landscaping

Sec. 7-9-132.2. - Landscaping.

Landscaping, consisting of trees, shrubs, vines, ground cover, turf, or any combination thereof, shall be installed and maintained subject to the following standards:

- (a) Boundary landscaping is required for a minimum depth equal to the required setback distance or ten (10) feet (whichever is less) along all property lines abutting streets except for the required street openings.
- (b) Landscaping along all streets and boundaries shall be in compliance with section 7-9-137.5, "Fences and walls."
- (c) Any landscaped area shall be separated from an adjacent parking or vehicular area by a wall or curb at least six (6) inches higher than the adjacent parking or vehicular area.
- (d) Permanent watering facilities shall be provided for all landscaped areas and be operated and maintained in an efficient manner.
- (e) Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing and watering as needed, and replacement of plants when necessary.
- (f) For landscape projects subject to section 7-9-133.2 of this Zoning Code, a Landscape Documentation Package as defined in section 7-9-133.3 shall be submitted and approved pursuant to the requirements set forth in section 7-9-133.3 and 7-9-133.4 and the Guidelines applicable thereto prior to the issuance of building permits. A Certificate of Completion shall be submitted and approved prior to the closure of the permit.

(Ord. No. 3499, § 31, 12-12-84; Ord. No. 3524, § 14, 5-8-85; Ord. No. 3802, § 4, 10-24-90; Ord. No. 09-010, § 1, 12-15-09)

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM C-2

Date: June 25, 2019

To: Tree Committee

From: Joe Mendoza, General Manager
Tarquin Preziosi, General Counsel

Subject: CONSIDERATION OF AN ADMINISTRATIVE CITATION PROGRAM
TO ADDRESS VIOLATIONS OF DISTRICT POLICY

BACKGROUND:

Government Code section 53069.4 permits local agencies - including special districts - to, by ordinance, make any violation of any ordinance subject to an administrative fine or penalty. It requires that the local agency "set forth by ordinance the administrative procedures that shall govern the imposition, enforcement, collection, and administrative review by the local agency of those administrative fines or penalties." As explained by the Attorney General:

The Legislature's purpose in enacting Government Code section 53069.4 was to provide a faster and more cost-effective enforcement mechanism than a criminal prosecution for the violation of a local ordinance. The section was expressly modeled on state legislation that removed the enforcement of most parking violations from the criminal justice system and mandated enforcement of parking violations through civil administrative procedures and civil penalties. See 94 Ops. Cal. Atty. Gen. 39.

In order to address violations of those District policies that have been adopted by ordinance, staff is proposing the attached Policy No. 3098, Administrative Citations. Other than possible criminal citation for violation of District policy by the Sherriff's Department and prosecution by the District Attorney, there exists no procedure that can be utilized by District staff to impose penalties for Policy violations. While Policy No. 3080 (the Tree Policy) allows for cost recovery of expenses and damages from persons who remove and/or damage parkway trees based in part on the authority of Streets & Highways Code section 1460, it does not provide for the imposition of fines in the same manner as section 53069.4.

As proposed, the issuance of administrative citations would not be limited to violations of the Tree Policy, and could be used for other policy violations such as the Park Rules and Regulations. It is anticipated that administrative citations would also be an additional tool that could be used in addition to the existing cost recovery procedures of the Tree Policy. Accordingly, the Policy is being presented first to the Tree Committee in order to obtain recommendations to the entire Board of Directors.

The proposed Administrative Citation policy is similar to those of the County of Orange and various cities within the County, such as Costa Mesa, Irvine, Newport Beach and others. Should the District adopt Policy No. 3098, it must be done so by ordinance. It is recommended that the specific fine amounts be adopted by resolution. Fine amounts could be fixed for all violations, increased based on past violations, or differ in amount depending on which policy section is violated. The majority of administrative citation ordinances cap fines at \$1,000 per violation, which is the typical maximum fine amount for misdemeanors, as well as the default amount for violation of a municipal ordinance under state law. See Government Code § 36900 et seq. (city ordinances); 94 Ops. Cal. Atty. Gen. 39 (discussing administrative citations); Government Code § 61064 (Community Services District law); Penal Code § 19.

RECOMMENDATION:

Review, discuss and make recommendations to the Board of Directors regarding Policy No. 3098.

ATTACHMENTS:

1. Draft Administration Citation Policy No. 3098.

Rossmoor Community Services District

Draft Policy No.

3098

ADMINISTRATIVE CITATIONS

3098.10 Applicability.

- (a) A violation of the provisions of any Policy that is subject to enforcement as a misdemeanor and/or an infraction is subject to an administrative citation and fine.
- (b) This Policy establishes the administrative procedures for the imposition, enforcement, collection, and administrative review of administrative citations pursuant to Government Code section 53069.4.
- (c) The issuance of an administrative citation under this Policy is solely at the District's discretion and shall not preclude the District from utilizing any other administrative, criminal and/or administrative remedy to address a violation of District Policy.

3098.20 Definitions. The following definitions apply to the use of these terms for the purposes of this Policy:

- (a) *Citation* shall mean an administrative citation issued pursuant to this policy stating there has been a violation of a particular District Policy.
- (b) *Citee* shall mean person given an administrative citation charging him or her as a responsible person for a Code violation.
- (c) *Days* shall mean calendar days.
- (d) *District* shall mean the Rossmoor Community Services District.
- (e) *General Manager* shall mean the appointed District General Manger or his or her designee.
- (f) *Hearing officer* shall mean the person appointed by the General Manager to serve as the hearing officer for an administrative hearing.

- (g) *Issued* shall mean giving a citation to the citee and issuance occurs on the date when a citation is personally served on the citee, the date it is mailed to the citee, or the date it is posted on real property where a property related violation exists.
- (h) *Notice of decision* shall mean a form prepared by the General Manger used to inform a citee of the decision made regarding various provisions of this policy.
- (i) *Policy* shall mean an approved policy of the District; *Policies* shall mean the several approved policies of the District.
- (j) *Responsible person* shall mean any of the following:
 - (1) A person who causes a policy violation to occur.
 - (2) A person who maintains or allows a policy violation to continue, by his or her action or failure to act.
 - (3) A person whose agent, employee, or independent contractor causes a policy violation by its action or failure to act.
 - (4) A person who is the owner of, lessee or sublessee with a current right of possession of, real property where a property related policy violation occurs.
 - (5) A person who is the beneficiary under a deed of trust for the property where a property related violation exists and that person has not corrected the violation within thirty (30) days after being notified by the director in writing of the violation and the fact that the trustee under the deed of trust is no longer living on the property and his or her whereabouts is unknown.
- (k) For purposes of this policy, “person” includes a natural person or legal entity, and the owners, corporate officers, trustees, and general partners of a legal entity. There shall be a legal rebuttable presumption that the record owner of a parcel according to the County of Orange’s latest equalized property tax assessment rolls and a lessee or sublessee of a parcel has notice of any policy violation existing on the premises. For the purposes of this policy, there may be more than one responsible person for a violation, and a minor at least fourteen (14) years of age may be a responsible person subject to the provisions of this policy for a violation personally committed by the minor.

3098.30 Administrative citation—General.

- (a) An employee of the District so designated by the General Manager may issue a citation to any responsible person or persons. A responsible person to whom a citation is issued shall be liable for and shall pay to the District the fine or

finer described in the citation when due pursuant to the provisions of this policy.

- (b) For continuing violations, each day a violation of a Policy exists shall be a separate violation and be subject to a separate fine. A citation may charge a violation for one (1) or more days on which a violation exists, and for violation of one (1) or more Policy sections.
- (c) The District may take into consideration the fact that a person has been issued citations when the District is determining whether to grant, modify, suspend, revoke, or deny any permit, license, agreement or any type of discretionary use approval regarding that person, and such citations are evidence that the person has committed acts that are not compatible with the health, safety and general welfare of other persons and businesses in the vicinity.

3098.40 Citation contents.

- (a) Each citation shall contain the following information:
 - (1) Name of the responsible person for the violation of the Policy or Policies.
 - (2) Date or dates on which the violation occurred.
 - (3) The Policy section(s) violated.
 - (4) Address where the Policy violation occurred.
 - (5) Description of the Policy violation.
 - (6) Amount of the fine for the violation and procedure to pay the fine and avoid a late payment penalty.
 - (7) Designation of prior citations issued for the same Policy violations, if known.
 - (8) Description of the procedures for requesting an administrative review to contest a citation and a hardship waiver of the advance fine deposit.
 - (9) Signature of the person issuing the citation.
 - (10) Date the citation is issued.
 - (11) A self-addressed envelope in which the citee can send to the District the fine and/or a request for an administrative review.

(12) Any other information deemed necessary by the General Manager for enforcement or collection purposes.

3098.50 Service of administrative citations. An administrative citation may be served as follows:

- (a) A designated employee may personally serve the citation on the citee. The citee shall sign a copy of the citation showing his or her receipt of the citation.
- (b) A designated employee may mail the citation by first class mail, if the citee is not present for personal service when the officer determines there has been a violation. The citation shall be mailed to the citee's address shown on the county's last equalized property tax assessment rolls for a property related violation, or to any address known for the citee for all other violations.
- (c) A designated employee may post a copy of the citation on the property in a conspicuous place for a property related violation when the citee resides at an unknown address other than where the violation occurs. A copy of the citation will also be mailed to the citee at the property address.

3098.60 Amount of administrative fines.

- (a) The amount of the fines for violating specific policies shall be set in a schedule of fines adopted by resolution or policy of the District. The schedule may include escalating fine amounts for repeat Policy violations occurring within specified periods of time.
- (b) The schedule of fines may also specify the amount of interest and late payment penalty owed for any fine not paid when due. A late payment penalty and interest may be imposed for fines not paid within thirty (30) days of their due date.
- (c) Fines are due on the day the citation is issued, except when a fine deposit has been waived pursuant to section xx and the hearing officer upholds the citation the fine shall be due on the date the decision is made and the notice of decision given to the citee at the end of the hearing by the hearing officer, or the date the notice of decision is mailed to the citee.

3098.70 Payment of administrative fines.

- (a) An administrative fine shall be paid to the District within thirty (30) days of its due date.
- (b) The issuance of a citation and/or payment of a fine does not bar the District from taking any other enforcement action, including issuing additional administrative citations, bringing a civil action and/or filing criminal complaint.

3098.80 Request for administrative review; advance deposit of fine amount.

- (a) Any person receiving an administrative citation may contest it by filing a request for an administrative review. To obtain an administrative review, the citee shall file a signed written request form contained on the reverse side of the citation and indicate the grounds for contesting the citation and fine. A citee may contest the citation by denying that a violation occurred or by denying that the citee is a responsible person for the violation.
- (b) To be effective and complete, the request must be received by the District within thirty (30) days of the date the citation was issued, and be accompanied by a deposit of the full amount of the fine. The request will not be accepted for filing if not accompanied by the fine deposit, unless a hardship waiver has been requested pursuant to subsection (e). All requests shall be date stamped upon receipt by the District.
- (c) Upon timely receipt of a complete request for an administrative review, the District shall notify the citee, in a manner set forth in section xx for service of citations, of the date, time and place of the administrative review, pursuant to xx.
- (d) The person requesting the administrative review shall appear at the hearing on the date, time and place specified on the citation. Failure to personally attend the hearing will be considered a nonappearance. Non-appearance by the citee shall constitute an abandonment of the request unless the hearing was continued pursuant to section 3080.90(f).
- (e) A person filing a request for an administrative review may also request at the same time a hardship waiver of the fine deposit. To seek a hardship waiver and obtain a separate hearing on the hardship request, the citee shall check the box indicating this request and file with the District a sworn declaration or affidavit, together with any supporting documentation or other evidence demonstrating the citee's actual financial inability to deposit the full amount of the citation in advance of the hearing. The procedure governing the filing of such requests shall be the same as provided in sub-section (b).
- (f) The person requesting the waiver bears the burden of establishing by substantial evidence that he or she does not have the financial ability to make the deposit of the fine. The citee shall personally appear at the hearing on the request and non-appearance shall constitute an abandonment of the request unless excused pursuant to section 3080.90(f).
- (g) The request for a waiver of the fine deposit will be heard by the hearing officer at the administrative review at the date, time and place specified on the notice of administrative review. At the conclusion of the hearing on the waiver request, or within three (3) business days after the waiver request hearing, at

the hearing officer's discretion, the hearing officer shall issue a decision that the fine deposit is or is not waived. The hearing officer shall then insert on the notice of decision form relating to the waiver request the new date set for the administrative review, which shall be within forty-five (45) days of the date on the notice of decision. A copy of the notice of decision shall be delivered to the citee at the end of the hearing on the waiver request, or shall be sent via U.S. Mail within three (3) business days following the conclusion of the hearing on the waiver request.

- (h) If the hardship waiver is denied, the hearing officer shall provide the citee a self-addressed envelope to use in making the fine deposit. The citee shall mail the deposit in the envelope provided so that it is postmarked at least three (3) business days before the date designated on the notice of decision for the administrative review. The director is authorized to designate the address to which the deposit is to be mailed. Failure to make the deposit by the time required shall be deemed an abandonment of the contest.
- (i) The filing of a request for hardship waiver of the fine deposit does not extend the time within which to request an administrative review or any other time set forth in this chapter, except as provided in subsection (d), above. A hearing officer decision on the waiver is final and not subject to an appeal pursuant to section 3098.110

3098.90 Hearing procedures.

- (a) Hearings shall be conducted by a hearing officer on a date set by the General Manager that is at least ten (10) but not more than thirty (30) days after the citee requests a hearing pursuant to section xx and at least ten (10) days notice thereof shall be given to the citee.
- (b) The General Manager shall ensure that the pertinent citation records are delivered to the hearing officer for a citation set for hearing. The General Manager shall also make available to the citee before the hearing a copy of any additional reports concerning the citation that are provided to the hearing officer.
- (c) The citee shall be given the opportunity to testify and to present evidence relevant to financial hardship, the policy violation specified in the citation, or the fact that all fines have been paid. A parent or legal guardian of a citee who is a juvenile under 18 years of age shall accompany the citee at the hearing or any request or contest shall be deemed abandoned.
- (d) The citation, and any other reports prepared by the District concerning the Policy violation shall be accepted by the hearing officer as prima facie evidence of the Policy violation and the facts stated in such documents.

- (e) Neither the issuing person nor any other representative of the District shall be required to attend the hearing, nor shall the hearing officer require that there be submitted any evidence, other than the citation, that may exist among the public records of the District on the violation. However, any such appearance and/or submission may be made at the discretion of the District.
- (f) The hearing officer, General Manager, or District General Counsel may continue a hearing if a request is made by the citee, or the citee's representative, or the representative of the District, upon a showing of good cause. All continuance requests shall either (i) be made in person at the hearing by the citee or a representative if the citee is physically unable to attend, or (ii) be made by a written request received by the district at least twenty-four (24) hours before the hearing date. If the continuance is granted, a new hearing date shall be set within forty-five (45) days and noted on the notice of decision. If the continuance is denied, the hearing shall proceed as scheduled, and if the citee is not present the request shall be deemed abandoned in accordance with subdivision (h) below. The decision on the continuance request is final and the notice shall either be delivered personally to the citee or the representative if present or be mailed by the District. If the request for continuance is not made in person, the citee is responsible for determining whether the request is denied and the hearing is to proceed as scheduled.
- (g) The hearing shall be conducted informally and the legal rules of evidence need not be followed. The hearing officer does not have the authority to issue a subpoena.
- (h) The failure of the citee to appear at the hearing, unless the hearing was continued per subdivision (f) above, shall constitute an abandonment of the request for waiver of the fine deposit and/or administrative review, and a failure to exhaust administrative remedies concerning the violation as set forth in the citation. The fine deposit shall be credited by the district upon the fine due for the violation. The citee's failure to appear shall be noted on the notice of decision by the hearing officer and it shall be mailed to the citee.

3098.100 Administrative review decision.

- (a) After considering all the evidence and testimony submitted at the administrative review, the hearing officer shall issue a written decision to uphold the citation or cancel it based upon a conclusion of whether or not a violation occurred for which the citee was a responsible person. The hearing officer has no discretion or authority to reduce or modify a fine. The decision will be made on a notice of decision form and designate the reasons and evidence considered for the decision. The decision of the hearing officer shall be made at the conclusion of the administrative review, or soon thereafter, and shall be final. The notice of decision shall be personally delivered to the

citee at the conclusion of the administrative review, or it shall be mailed to the citee within thirty (30) business days following the conclusion of the administrative review.

- (b) If the decision is to uphold the citation, the District shall keep the fine deposited. If the decision is to cancel the citation, the District shall refund the fine deposit to the citee within thirty (30) days of the filing of the decision. If the citation is upheld and the fine deposit had been waived, the fine shall be due on the date the decision is given to the citee at the end of the hearing by the hearing officer, or the date the notice of decision is mailed to the citee. The hearing officer may collect any fine due from the citee at the end of the hearing.
- (c) The hearing officer's continued employment, performance evaluation, compensation, and benefits shall not directly or indirectly be linked to the number of citations upheld or canceled by the hearing officer.

3098.110 Right to judicial review.

- (a) The citee may seek judicial review of the administrative review decision by filing an appeal with the superior court within twenty (20) calendar days after the citee receives a copy of the notice of decision at the conclusion of the hearing in accordance with the provisions of Government Code section 53069.4. The appeal filed with the court shall also contain a proof of service showing a copy of the appeal was served upon the "Rossmoor Community Services District (Attention: General Counsel)." The citee must pay to the superior court the statutory filing fee when the appeal is filed.
- (b) No appeal is permitted from a decision regarding:
 - (1) A request for waiver of the fine deposit, or
 - (2) A decision the citee is deemed to have abandoned the contest of the citation or fine due to her or his failure to appear at the hearing or failure to deposit the fine.
- (c) The District General Counsel shall forward to the superior court within fifteen (15) days of its request, the pertinent citation documents for any case appealed to that court. If the superior court cancels any citation, the District will refund any fine deposit made and the appeal filing fee.

3098.120 Collection of unpaid fines.

- (a) The amount of any fine, penalty, cost or fee imposed pursuant to this Policy shall be deemed a debt and a charge owed to the District.

- (b) The failure of any person to pay an assessed fine, penalty, cost, charge or fee by the deadline specified shall result in the assessment of additional late fees.
- (c) The District in its discretion may pursue any and all legal and equitable remedies to collect unpaid fines, penalties, costs, charges, interest or fees imposed pursuant to this Policy, including, where applicable, those set forth in Government Code section 61115. These remedies include, but are not limited to, the following:
 - (1) Referring the delinquent account to collection;
 - (2) For policy violations occurring at a citee's real property, authorizing a lien to be recorded on thereon for any unpaid fines, penalties, costs, or fees imposed;
 - (3) Authorizing a special assessment upon the property for any civil fines, penalties, costs, or fees imposed against the owner; and/or
 - (4) Filing a civil action in a court of competent jurisdiction.
- (d) Any person who fails to pay any fine, penalty, cost or fee shall be liable in any proceeding brought by the District for the costs incurred in securing payment of the unpaid amount, including attorneys' fees. Such costs shall be in addition to any penalties, interest, and/or late fees imposed upon the unpaid fine, penalty, cost, charge or fee.
- (e) The District may refuse to issue, extend, or renew any District permit, license, agreement or other District approval to any person, who has unpaid delinquent fines, interest, penalties, liens or assessments due under this Policy, related to the permit, license, agreement or approval.
- (f) The District may suspend any permit, license, agreement or discretionary approval issued to or with a person who has unpaid fines related to the permit, license, or approval totaling five hundred dollars (\$500.00) or more that have been delinquent for over thirty (30) days. The suspension shall become effective twenty (20) days after the day notice of the suspension is placed by the director in the U.S. mail, postage prepaid, addressed to the person and shall continue until the delinquency is paid in full. The person may request an administrative hearing pursuant to the procedures in section 3098.80 on the issue of fine delinquency only, if the request is filed with the District before the twenty (20) day period ends. Continuing to operate under a suspended permit, license or approval shall be grounds for revocation of the permit, license or approval. Revocation may be made by the District at a public hearing for which the same notice shall be given as required for issuance of the permit, license, or approval involved, but in no event shall there be less than ten (10) days written notice.

- (g) It is unlawful for a citee to fail to pay any administrative fine, interest, or penalty imposed pursuant to this Policy. The District General Counsel, at his or her discretion, may initiate a criminal citation or complaint for an infraction to any citee who fails to make such a payment. The criminal fine for this violation shall be a mandatory minimum of one hundred dollars (\$100.00).
- (h) The parent or legal guardian of a citee who is a minor shall be liable for any fines imposed upon the minor pursuant to the provisions of this Policy. Any such fines may be collected from the minor, parent or guardian.

DRAFT

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM C-3

Date: June 25, 2019

To: Tree Committee

From: Joe Mendoza, General Manager

Initiated By: Mary Kingman, District Arborist

Subject: **DISCUSSION REGARDING THE POSSIBILITY OF DISTRICT ISSUED PARKWAY TREE TRIMMING PERMITS**

RECOMMENDED ACTION

RCSD General Manager recommends that the Tree Committee consider District issued parkway tree trimming permits within Rossmoor.

BACKGROUND

Director Michael Maynard would like the Committee to explore the possibility of issuing tree permits for residents and property owners who wish to have the District owned parkway trimmed by their own contractors. Discussion will include follow-up research related to administrative cost, approved tree trimming methods and contractors as well as supervision. Cities such as Long Beach, Redondo Beach, Whittier, Torrance and Cerritos issue permits for parkway tree trimming.

ATTACHMENTS

1. Tree trimming permit policies from other cities in Southern California
2. Tree trimming permit forms from Cities of Long Beach and Cerritos

Tree Trimming Permit Policies in Other Southern California Cities

Long Beach: Requires that tree trimming be done by contractor licensed in the City of Long Beach and that city trimming specifications are met. Online form to be filled out and approved by City Arborist

Redondo Beach: Requires that the tree must be pruned to ISA Standards and that the property owner may be held liable for any damages inflicted on the tree.

Whittier: Permit requires that the trimming be completed by a licensed certified arborist, following current ISI standards, and inspected by the City Tree Maintenance Supervisor.

Torrance: Requires that City approved private contractor through a permit process. There is no charge for the City permit; however property owners are responsible for contacting the contractor and for all costs associated with the work. The list of approved contractors is issued with the trimming permit.

Cerritos: Requires that the landscape maintenance company hired to trim the trees must obtain a Cerritos business license, property owner must schedule an on-site pre-inspection with a City representative and schedule an on-site post-inspection with a City representative upon completion of tree maintenance activities. Penalties will be imposed for improper tree trimming activities pursuant to Chapter 9.75 of the Cerritos Municipal Code. Penalties may include monetary fines based on the value of improperly maintained trees and/or a misdemeanor offense.



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard, Long Beach, CA 90802

PUBLIC WORKS/STREET OPERATIONS

PERMIT TO TRIM STREET TREES (INSTRUCTIONS)

_____(1)_____ hereby request authorization of the City of Long
Name of property owner/authorized representative

Beach to trim _____(2)_____ street tree(s) within the public easement along the property at
number

_____(3)_____, In accordance with City specifications
street name/address

Contractor _____(4)_____ License No. _____(5)_____

Planned Start Date _____(6)_____ Planned Finish Date _____(7)_____
Contractor must contact City Arborist, Jerry Rowland at (562) 570-2731 prior to start date.

I agree to bear all costs connected with the approved trimming project; and that the contractor used to complete this project is licensed by the City of Long Beach to do approved work and that the approved work will be performed by a certified tree trimmer based on City specifications; and that all work will be performed in a professional manner and in a timely basis.

Release and Hold Harmless Agreement

The undersigned property owner/business representative shall protect, defend, indemnify and hold harmless the City of Long Beach and its elected and appointed boards, officers, and employees from any and all liabilities, expenses or damages of any nature, including attorney fees, for injury to or death of any person and for injury to any property, including consequential damages of any nature resulting therefrom, arising out of or any way connected with the negligent performance of this Permit by act or omission, by or on behalf of property owner, or resulting from any violation by property owner's agents, employees contractors, or invitees or of any statute, law, regulation, or other legal requirement concerning a safe place of employment for workers.

I have read the foregoing and agree to all of the conditions and criteria set forth above.

Property Owner's Signature _____(8)_____ Date _____(9)_____

CITY USE ONLY

(10)

Approved as requested

Denied

Comments _____

City Representative _____ Date _____

Permit To Trim Street Trees

INSTRUCTIONS

Application must be printed in black or blue ink or typed. Application must be submitted at least ten (10) days prior to planned work date. Only one (1) application per location/address of tree(s) to be trimmed. Application will take approximately five (5) business days to approve.

- (1) Name of person applying for Permit to Trim a Street Tree; authorized business representative or abutting property owner's name. Please write full name.
- (2) Enter the number of trees requesting to trim at the property address (number 3) indicated on application.
- (3) Provide street number and name of street where tree(s) are located. Please enter correct spelling of street name. Remember to indicate east (E) or west (W) if applicable.
- (4) Give full name of Contractor as shown on business license. (work must be done by a license contractor)
- (5) Business license number of valid business license from contractor shown on permit.
- (6) Provide date actual work is planned to start by contractor, whereas trimming the tree(s) is included. Contractor must contact Jerry Rowland, City Arborist, prior to the start of trimming any City tree(s).
- (7) Provide date contractor is scheduled to end/finish, of which trimming the City tree(s) is included.
- (8) Signature of authorized business representative or property owner (number 1) as entered on application.
- (9) Please enter the date of signature.
- (10) FOR CITY USE ONLY – DO NOT WRITE IN THIS BOX

Mail or hand-deliver application to:

**Public Works/Street Operations
C/O Jerry Rowland/Tree Permits
1651 San Francisco Avenue
Long Beach CA 90813**

City of Cerritos Pay to Trim Program

Under the pay for tree trimming program, the homeowner pays for the cost of tree trimming. The homeowner is financially responsible for any necessary repairs to the public right-of-way that may result from the pay to trim project.

If you are interested in participating in the program, please follow the steps below:

1. Retain a qualified tree maintenance contractor. A list of qualified contractors is attached. Alternately, you may choose your own contractor with a D49 license and a valid Contractor's license issued by the State of California. (All contractors on the City-provided list meet these qualifications.) Your contractor must also hold or obtain a City of Cerritos business license.
2. Visit the Public Works counter at City Hall and fill out a no-fee tree trimming permit application. Submit the completed application to the Public Works counter at City Hall.
3. Your contractor will need to contact the City's arborist to set up a pre-trimming inspection.
4. Once the tree trimming project has been completed, the City will conduct a final inspection to ensure that the tree was trimmed according to the standards discussed at the pre-trimming inspection.

If you have any questions, please contact the Cerritos Public Works Department at (562) 916-1220.

Qualified Residential Tree Trimming Companies

- Treeco Arborist
(714) 990-5553 (Wes Brooker)
- Tony's B C Tree Service
(714) 290-1014 (Albert)
- David's Tree Service
(714) 323-7868 (Darren)
- V & A Tree Service
(714) 719-4828 (Alvaro Vargas)

**CITY OF CERRITOS DEPARTMENT OF PUBLIC WORKS
NO-FEE RESIDENTIAL TREE TRIMMING PERMIT APPLICATION**

(Please print or type)

TTP# _____ Office Use Only

Property Owner: _____ Phone Number (Owner): (____) _____

Property Address: _____

Name of Contractor: _____ Contractor Phone Number: (____) _____

Address of Contractor: _____

State License Number: _____ City Business License Number: _____

Arborist Certificate No: _____

AVAILABLE FOR PRE-INSPECTION:

DATE: _____ **TIME:** _____

PRE-INSPECTION SIGNATURE _____ Date _____
(Parks/Trees Division)

Homeowner and/or contractor shall be held responsible for up to the value of the tree, removal and replacement costs if trimming is not done in accordance with the standards set forth in the Cerritos Municipal Code. The homeowner would be financially responsible for any necessary repairs to the public right-of-way resulting from the pay to trim project.

Property Owner's Signature: _____

Contractor's Signature: _____

Parks Superintendent/Arborist Signature/Permit Approval: _____

PROJECT COMPLETED SIGN-OFF _____ Date _____
(Parks/Trees Division)