

Summary Response

The 2022-23 Yolo County Grand Jury provided a report to the City of Davis reviewing a complaint received about street tree maintenance, specifically concerns about City trees on private properties in poor condition as the property owner may not be aware of their responsibility to maintain the trees. The report further detailed concerns around funding of the City's Urban Forestry division and the level of enforcement afforded to the division through the City's municipal code. The release of the report is timely, as a few months prior the City Council adopted a 40 year Urban Forest Management Plan, which includes many steps that will address findings and recommendations within the report.

It is important to note that overall, customer satisfaction in the City related to parks, the urban forest and open space remains high, based on resident satisfaction survey results from recent years (the last survey was done in 2022). In recent years, however, the City, along with the rest of California and the western United States, is adapting to significant challenges in managing urban forests, including climate-change stressors (such as droughts) and an aging-tree population. Trees that previously fared well within the Central Valley with limited intervention have been significantly impacted by changing climate patterns and are no longer as tolerant as they once were. Staying on top of the changes and adapting best management practices at a State, local and individual property level will be crucial in ensuring the urban forest in Davis continues to thrive. In addition, a proactive replanting plan that can mitigate the canopy loss from the removal of trees reaching the end of their lifespan will be essential. These practices and plans are recommended within the City's new Urban Forest Management Plan.

The City currently maintains upwards of 30,000 trees within its urban forest. These trees are along City streets, in the front yards of residential properties and within the City's extensive parks and greenbelt system. The management of the City's urban forest is also more proactive in Davis (with the seven-year pruning cycle) than other jurisdictions. With the high amount of trees, shared maintenance (in partnership with property owners) is necessary to ensure trees can thrive, ensure the City can meet urban canopy goals and maximize the social, economic and environmental benefits of the urban forest for current residents and future generations.

Throughout the process of developing the Urban Forest Management Plan, the feedback from the community associated with the UFMP highlighted areas where education around the City's urban forestry practices, regulations and management could be improved. While it is rare to find a community in California that does not have regulations around trees both in publicly and privately owned spaces, the City prides itself on a robust and comprehensive outreach approach and actively adjusts outreach practices to reach the widest audience possible. That being said, property owners within the community will always bear some

responsibility for educating themselves on the City's regulations regardless of whether they own a home in the community or rent.

The City takes into serious consideration the care, maintenance and benefits of trees in the community and has, and will continue to, adapt best management practices for the City's trees. The path forward within the Urban Forest Management Plan, along with continued engagement from the community, will help to drive and support the work done for our entire urban forest, including City trees.

FINDINGS

F-1: The City does not adequately inform homeowners about their responsibilities for maintaining City-owned trees on private property. This can result in inadequate or no watering of established Street Trees, especially those on rental properties managed by agents.

Response: Partially Agree

The City has increased outreach to property owners in recent years related to trees on their property and the likelihood that the trees are City-owned. New resident packets are mailed to property owners within 15 days of escrow closing that contain handouts related to tree regulations and tree care. During planting season, the City (or Tree Davis, a local nonprofit agency working with the City) will provide information on newly planted trees and watering requirements. Utility bill inserts and environmental messaging include information on trees and property owner responsibilities related to trees. Opportunities for tabling (paused during the pandemic) have also led to the development of outreach materials at the Davis Farmers Market and other events detailing tree care, regulations and responsibilities. Extensive City and State messaging during the most recent drought highlighted the need to provide supplemental water to established trees. Even with the existing practices, however, the City acknowledges there is always room to grow. Urban Forestry staff are working with the City's Rental Resources program to help provide additional education to the owners and tenants of rental properties.

Part of the current planting process for City of Davis and its partner, Tree Davis, includes sending outreach material to potential planting locations. This material has several purposes: education around trees and their benefits, the use of the City's 10-foot easement on single-family residential property toward the City's tree canopy goals and the homeowner's responsibility in watering young trees. The trees that are planted as part of the City's planting efforts are kept on a list that are re-visited from time to time and watered if it appears that the tree is being neglected. As part of this process, the City is developing reminder mailings for property owners at intervals after the trees are planted to remind them about proper tree care.

The report from the Grand Jury specifically highlights rental properties managed by property management companies. Tree neglect is not the only issue that can arise from rental properties, especially given what can be consistent turnover and potentially less regular investment in the property if tenants can be regularly secured. With rental properties, however, there are many reasons why landscaping may not be prioritized with educational efforts being only a small part of larger issues around maintenance and tenant/landlord communication.

F-2: The City does not enforce compliance with Chapter 37 obligations to maintain City Street Trees

Response: Partially Agree.

Within the new Urban Forest Management Plan, the goal of “Promote tree preservation and protection” starts with the action step to “**Update Chapter 37: Tree Planting, Preservation and Protection to improve protections for trees.**” Through the work of preparing the UFMP and outreach with the community, there were areas of the City’s enforcement of tree protections that were seen as lacking. Part of the challenge is that current City code does not spell out repercussions for lack of maintenance of City trees, rather the enforcement relates to the removal or significant visible damage to trees. Damage over time (i.e. with under watering or no watering) is harder to demonstrate, which updates to the Tree Ordinance could help clarify. Current updates to City specifications and standards are also underway to make requirements fall in line with national guidelines.

A major component to compliance of Chapter 37 requires the permitting process of tree modification and removal permits. Work performed outside of the permitting process involves the City’s code compliance process when necessary, however the City acknowledges that enforcement of unpermitted tree work is challenging to catch with thousands of trees on individual private properties. This process is being assessed and revamped to help property owners comply with current (and future) requirements. Education of the general public on this process will be part of the aforementioned outreach.

F-3: The voter-approved ballot language in adopting the 2018 Measure H is clear and precise. However, the laws implementing Measure H substitutes “street lighting” for “street trees,” contrary to the voters’ intent.

Response: Partially agree.

The City acknowledges that the wording in the City’s ordinance language contains the phrase “street lighting” rather than “street trees.” This appears to be a typo that has been in place for a decade or more, likely left over from when the City had a Landscape and Lighting District.

That said, the actual implementation of Measure H has always included *only* the allowable expenditures as approved by the voters: park maintenance and maintenance of street trees. Street lighting has not been funded through Measure H dollars.

The City will take necessary measures to correct the wording in the Municipal Code.

F-4: Chapter 37 fails to provide current and accurate information as to which officials or agencies are responsible for overseeing the various elements of the City's tree program. This information is not available on the City's website.

Response: Disagree.

The City of Davis is responsible for overseeing the City's tree program in its entirety. This is clearly spelled out on the City's webpage specific to Urban Forestry Operations. The program currently resides in the City's Public Works Utilities and Operations Department. Reorganizations in recent years have required updates to the City's Municipal Code that are awaiting the larger effort of revising Chapter 37 of the Code, relating to trees and tree protection.

RECOMMENDATIONS

R-1: The Grand Jury recommends that the City clarify its expectations that private property owners maintain City-owned Street Trees on their property so that Street Trees do not suffer early decline that forces early removal at City expense. Publication of specific expectations for watering and coordination with other landscaping is needed. This outreach effort should include extra measures to communicate with absentee owners and property managers. This should be done by January 1, 2024.

Response:

The City currently publishes expectations for watering and coordination with other landscaping in multiple locations, including on the City's website, within the Urban Forest Management Plan, in social media messaging and newsletters, in handouts provided to residents at tabling events, in door hangers left with residents when new trees are planted and in utility bill messaging. Many of these efforts occur multiple times a year.

Property owners who live out of town, the state, or the country with rentals in Davis receive utility bill inserts and other information directed specifically to property owners. The City is working on additional means to provide tree information and education to tenants and landlords at least once a year.

R-2: The City should enforce compliance with Chapter 37 obligations to maintain City Street Trees.

Response:

This recommendation is already partially implemented as described in Finding #4, based on current resourcing. The Urban Forest Management Plan recommends the creation of additional processes and procedures to streamline work and responses related to enforcement. Clarification on the language, through the update to the City's municipal code, will also provide more clarity on the consequences of non-compliance.

R-3: The Grand Jury recommends that the City develop a means to incentivize the proper care of City-owned Street Trees on private property by providing a water allowance for this purpose, or similar measures such as making available appropriate irrigation materials and consultations with property owners. This should be completed by January 1, 2024.

Response:

The City currently provides soil moisture readers, hose nozzles, irrigation instructions multiple times a year at public events and step-by-step guides to water trees appropriately, along with links to videos on watering trees online. The City also provides information on how to water trees without spending the time and effort to update landscaping systems online. For most trees, the equivalent of one additional CCF (hundred cubic foot) of water use per tree (currently \$5.01) averaged out over a year is enough for deep watering.

The use of rate revenue from utility enterprise funds is subject to restrictions from the State. Rate revenue cannot be used to subsidize water use from one water customer to another, so allowances for water use would by necessity be limited to the City's General Fund. Should City Council prioritize the use of the General Fund for this kind of effort, staff can review the costs and requirements of setting up this kind of program.

R-4: The Grand Jury recommends that the City amend the language of Ordinance 2521, now DMC sections 15.14.010, 15.14.040, and 15.14.070, to effectuate voter's intent in adopting Measure H. This should be completed by January 1, 2024.

Response:

The City will correct the Municipal Code to reflect the same wording as in the voter-approved Measure H.

R-5: The Grand Jury recommends that the City post on its website a simplified summary of annual revenues received from Measure H and related appropriate annual City allocations and expenditures. This should be completed by January 1, 2024.

Response:

The City will create a page on its website dedicated to Measure H, so that anyone can learn what the Measure is, how much it generates and where the funds are spent. Staff will also include mention of Measure H (and link to Measure H page) on the parks maintenance page of the website.

R-6: The Grand Jury recommends that Davis Municipal Code, Chapter 37, be amended to clearly identify responsible departments and officials charged with overseeing each element of the City's tree program. This information should be clearly posted on the City's website. This should be completed by January 1, 2024

Response:

This has been partially completed, as the information of the responsible departments overseeing the City's Urban Forestry program is already online.

It is anticipated, based on the work to develop the Urban Forest Management Plan, that the update to the City's Municipal Code, Chapter 37 will take a significant amount of time, as it will include discussions at the City of Davis Tree Commission meetings and outreach to the public. The updates for the responsible departments will be completed once the other updates to the Ordinance have been finalized and approved by City Council. In the interim, the references within the City's Municipal Code do not functionally inhibit the City from implementing or enforcing the tree protection regulations.