

June 23, 2026

Whittier City Council
13230 Penn St.
Whittier, CA 90602

SUBJECT: Hoax used to “justify” ditching Tree Protection Ordinance & Parkway Tree Manual

Dear Mayor and City Council Members:

The previous City Council AND the public were deceived and misled when told that Whittier’s “extensive” tree Appeal process in our Tree Protection Ordinance & Parkway Tree Manual is different from other CIPA cities’ Tree Protection Ordinances and Appeals process – **it is NOT!** Whittier’s allegedly more restrictive, “potentially dangerous” Parkway Tree Manual provisions resulted in our City being threatened with termination of our insurance coverage unless “permanently eliminated” (letter from California Insurance Pool Authority (CIPA) General Manager Janet Kiser, Attachment A). The former City Council used this fabricated “reason” to adopt Ordinance 3176 on March 24, 2026 on a 4-1¹ vote, eviscerating our Tree Protection Ordinance & Parkway Tree Manual. This unprecedented action provoked a lawsuit² to reinstate Whittier’s Tree Protection Ordinance & Parkway Tree Manual, laws that have safely protected our publicly-owned healthy trees for decades.

FACT: Research has revealed that all 14 CIPA member cities have adopted Tree Protection Ordinances **that also contain a lengthy, multi-step Appeals process involving: Posted Notice by the City of planned tree removal; Resident Appeal filing period; setting a Public Hearing conducted by a city department or commission; and a further Resident Appeal opportunity at a City Council meeting – like Whittier’s previous process prior to elimination.** Yet none of the other CIPA member cities have been threatened with cancelation of their insurance. Several CIPA cities’ Tree Protection ordinances entail even more stringent requirements including prior notification of property owners, and specifying tree replacement ratios of up to seven trees based on tree trunk diameter (Attachment B).

This revelation begs the Question: Why did CIPA’s General Manager Janet Kiser email Whittier a threatening letter recommending permanent elimination of Whittier’s Parkway Tree “policy” when their other CIPA member cities’ have near-identical policies/ordinances with a multi-step Appeals process for healthy trees? The answer lies in Janet Kiser’s response during open (public) session at the Whittier City Council meeting on Jan. 23, 2024: “If you don’t remove unhealthy trees then you stand a higher likelihood of having a claim that could increase your premium.” With that response, Ms. Kiser revealed her erroneous belief that Whittier’s tree Appeal process delays removal of unhealthy, hazardous trees. In fact, Whittier’s Tree Protection Ordinance – and the Tree Protection ordinances of all 14 CIPA cities –

¹ AYES: Vinatieri, Martinez, Dutra, Warner; NO: Pacheco

² Whittier Conservancy v City of Whittier – Case No. 26STCP01883

allows immediate removal of any unhealthy trees **without Appeal** to avoid endangering the public. At that meeting, Ms. Kiser stated: “What impacts your premiums directly are your losses.”

There is no question that Whittier’s loss history and claims over the past six years has caused Whittier’s CIPA insurance premiums to skyrocket³, in contrast with lower losses incurred by other CIPA cities. During the most recent Liability Update presentation to the Whittier City Council during open session on Jan. 28, 2025, former City Manager Brian Saeki admitted that CIPA had never referenced our Tree Manual, **saying CIPA discussed overall liability concerns regarding sidewalks and police**. Yet former mayor Joe Vinatieri opined at that meeting “We have a clear and present danger with our Tree Manual.” As revealed above, Whittier’s Tree Manual provisions, including extensive Appeals process, is also standard operating procedure in all the other CIPA cities. Due to the former City Council’s action, ONLY Whittier’s healthy trees now have NO legal protection. Our City’s healthy trees can and are being removed by order of the City Manager.

The overriding Question is WHY and WHAT actions does ditching our Tree Protection Ordinance enable? The answer is paving the way for planned, unfettered development where publicly-owned mature trees stand in the way. The wide greenbelt on Whittier Blvd. from Five Points to Philadelphia St. is a scenic entrance into the City with many mature, beautiful trees. On this publicly-owned land stands a tall row of 49 cypress trees adjacent to The Groves. Those 49 cypress trees, six mature camphor trees and three red oak trees are all slated for destruction to build a massive, 5-story, 57 ft. high storage facility. That looming project will soon appear before Whittier’s Planning Commission and City Council. And ongoing community trauma remains concerning massive tree removals should the controversial Greenleaf Av Promenade project proceed with any design or construction that destroys our iconic, shady tree canopy in the heart of Uptown.

As emphasized in my previous letter to the City Council (Attachment C), the actions of the former City Council to rid the City of our Tree Protection Ordinance was a smokescreen built on intentional deception, a House of Cards. In addition to stripping the City of tree protections, it resulted in the former City Council allocating \$814,133 of our taxpayers’ dollars to hire unnecessary consultants to develop a new tree plan, hire specialty lawyers to fight the lawsuit(s) their actions provoked, and a PR firm to attempt to “sell” it to the residents.

The tree removal actions and votes of the former City Council were key reasons why all three members who sought re-election were defeated by landslide proportions at the April 14, 2026 city election. Now you have the opportunity to distinguish yourselves from your predecessors by taking meaningful actions to assure residents that your campaign commitments to protect our City’s healthy trees are real by:

- 1) Reinstating Whittier’s Tree Protection Ordinance and Parkway Tree Manual;

³ \$27M settlement in 2020 due to death & injuries when an unstable tree fell at Penn Park. Lack of prioritizing sidewalk maintenance resulting in a 2018 trip & fall sidewalk accident that City Council settled seven years later in Oct. 2025 for \$7.5M. And so far in 2026, multiple legal settlements of Whittier Police misconduct lawsuits resulting in cumulative payouts to date of approximately \$8M.

- 2) Canceling the four, unnecessary and expensive contracts⁴ entered into by the previous City Council due to **their** decisions re our Tree Protection Ordinance & Parkway Tree Manual. All four contracts, totaling \$814,133, allow cancellation without cause with a mere 15-day notice. Few funds allocated for these contracts have been spent to date (estimate less than 10%⁵).
- 3) Designate the remainder of these funds to fill the hundreds of empty tree wells where Parkway trees have been removed and have remained empty for years, and where replacement trees have died.

Show us you are different! Show us you value our publicly-owned trees. **Reinstate our City's Tree Protection Ordinance and Parkway Tree Manual.** Thank you.

Sincerely,



Conny McCormack
Founder, www.saveourtreeswhittier.com
30-year resident of Whittier
Former L.A. Co. Registrar-Recorder/County Clerk (ret.)

CC. Conal McNamara , City Manager
Rigo Garcia, City Clerk
Janet Kiser, CIPA General Manager

See Attachments A, B, C

⁴Agreement A-26-004 NO BID contract with M. Baker for an Environmental Impact Report (EIR) for replacement of Chapter 12.40.100(D) of Whittier Municipal Code & Parkway Tree Manual: **\$369,538**; Agreement with Richard, Watson & Gresham for Special Legal Services related to replacement of same Whittier Muni Code & Parkway Tree Manual: **\$200,000**; Amendment No.1 to above M. Baker NO BID contract for preparation of Urban Forest Management Plan: **\$194,595**; Agreement with Tripepi Smith to provide PR services on matters related to same Muni Code & Parkway Tree Manual: **\$50,000. TOTAL: \$814,133**

⁵ Agreement A-26-004 (described in above footnote), contains a payment schedule associated with processes completed. City Manager Conal McNamara admitted in a June 3, 2026 email response to my PRR request, that the scheduled EIR Notice of Preparation had not yet begun, despite several months delay from contract timeline.

ATTACHMENT A

CIPA California Insurance Pool Authority

Cities of Arcadia, Brea, Buena Park, Carlsbad, Cypress, Irvine, Laguna Beach, La Habra, Montclair, Newport Beach, Orange, Tustin, Whittier, Yorba Linda

November 25, 2025

Yolanda Martinez
Director of Human Resources & Risk Management
City of Whittier
13230 Penn Street
Whittier, CA 90602
ymartinez@cityofwhittier.org

SUBJECT: City of Whittier Parkway Tree Manual

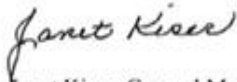
SENT VIA EMAIL

Dear Yolanda,

The General Manager of California Insurance Pool Authority (CIPA) and the City's defense attorney have previously recommended on several occasions that the City suspend the Parkway Tree Policy. Following City Council's closed session on October 28, 2025, the City Council suspended the Parkway Tree Policy for six months only.

On November 24, 2025, the Executive Committee reviewed the City's temporary suspension and is also recommending that the City permanently eliminate the Parkway Tree Policy. Failure to permanently eliminate the Policy will require CIPA's full Board of Directors to review for possible termination of the City of Whittier's participation in the California Insurance Pool Authority requiring the City to seek coverage for all policies elsewhere.

Sincerely,



Janet Kiser, General Manager

c.c. Derick Yasuda, President, California Insurance Pool Authority
Josh Bordin-Wosk, Bordin Semmer

City of Brea, CA >

Chapter 20.74 TREE PRESERVATION

(Replacement Tree Ratio):

**TABLE 20.74.050.A
REPLACEMENT TREE RATIO**

"DBH of Protected Tree to Be Removed	Required Replacement Tree Ratio per Each Protected Tree Removed
Less than 12 inches	2:1
12 to 18 inches	3:1
18 to 24	4:1
24 to 30	5:1
30 to 36	6:1
Above 36	7:1

ATTACHMENT C

March 24, 2026

Whittier City Council
13230 Penn St.
Whittier, CA. 90602

SUBJECT: Agenda Item 8D - A House of Cards

Dear Mayor and City Council Members:

Item 8D on your agenda tonight is Ordinance 3176, the permanent suspension of Whittier's Parkway Tree Manual¹ thereby eliminating the only legal protection we have for our publicly-owned trees. The Ordinance delegates authority to the City Manager, not to a Certified Arborist, to remove any publicly-owned trees immediately. This culminates years of the majority of your City Council blaming a document, the Parkway Tree Manual written by qualified experts using International Society of Arboriculture (ISA) standards, for the City's excessive insurance costs. You are misleading residents that this benign document is driving up our City's liability insurance costs. Nothing could be further from the truth. Nothing in the Parkway Tree Manual prevents the City from removing dead, diseased, compromised or hazardous trees **immediately** with NO appeal process. The Parkway Tree Manual clearly states that tree appeals are only allowable regarding removal of healthy trees².

Blaming our City's trees has been your liability theme for years, when in fact you neglected to prioritize needed sidewalk repairs that residents want. Indeed, the City's insurance carrier, the California Insurance Pool Authority (CIPA), has emphasized Whittier's need for sidewalk repairs in every report since 2022, along with highlighting needed Whittier Police reforms. (New, highly-publicized settlements of Police Liability of \$3.5 million and \$1 million were announced this month, with more claims pending regarding abuse of underage female Whittier Police Explorers by Whittier police officers).

But instead of proactively repairing broken sidewalks, Whittier was recently found legally negligent for not maintaining sidewalks, resulting in a multi-million dollar insurance payout. At your Oct. 28, 2025 City Council meeting, you cited that payment - for an accident that occurred back in 2018 - to declare a fake emergency in an attempt to justify temporary suspension of the Parkway Tree Manual. At your next City Council meeting on Nov. 18, 2025, on a 3-1 vote, with Council Member Mary Ann Pacheco voting No and Council Member Fernando Dutra absent, you finalized Ordinance 3172 temporarily suspending the Parkway Tree Manual until June 2026.

Public outrage erupted regarding your Parkway Tree Manual suspension during public comment at the Oct. 28, 2025 and again at the Nov 18, 2025 City Council meetings. And at that Nov. 18th meeting, for the first time, the City Council intentionally muted ALL public comment speakers, preventing residents

¹ Technically, Ordinance 3176 extends suspension of the Parkway Tree Manual until January 2028. However, at the March 10, 2026 City Council meeting, the City Manager indicated that date was a placeholder until the City adopts an as yet unwritten Urban Forest Management Plan under development at a cost of approximately \$1/2 million.

² City of Whittier Parkway Tree Manual, available on the City's website.

outside of the City Council chambers from listening (no broadcast on Ch. 3 or livestream of public comments). There was no pre-announcement or City Council vote about silencing the public. Council Member Mary Ann Pacheco was clearly taken by surprise³. Later during that Nov. 18th meeting, several council members commented that Closed Session discussions - outside of public view - formed the basis for their votes to suspend the Parkway Tree Manual. Council Member Octavio Martinez asked City Attorney Keith Collins to remind him what Brown Act exemption allows the City Council to discuss it in Closed Session, asking "threat of litigation?" Attorney Collins responded: "No threat. It's anticipated litigation, just the overall risk posed by the trees in public spaces."

A few days later, a highly unusual Special meeting of CIPA's Executive Committee was hastily-called for Nov. 24, 2025, during Thanksgiving week, containing one Agenda item: "City of Whittier Parkway Tree Manual: Provide direction on a letter to City of Whittier regarding Suspension of Tree Policy." There was no staff report, no copy of Whittier's Parkway Tree Manual, or any documents attached to the agenda of that CIPA Committee meeting.

Yolanda Martinez, Whittier's Director of Human Resources & Risk Management, serves as the Secretary/Treasurer of CIPA. She was the organizer of that Nov. 24, 2025 specially-called CIPA Executive Committee meeting. At that 32-minute meeting, four Executive Committee members, including Yolanda Martinez, voted to approve sending a letter to the City of Whittier recommending permanent suspension of the Parkway Tree Manual or risk cancelation of CIPA liability insurance. But no letter was sent from CIPA's 14-member Board of Directors. As a Joint Powers Authority (JPA), only CIPA's governing body, the Board of Directors, has the authority to send a letter to a member city, let alone a threatening letter. The next day, on Nov. 25, 2025, an email was sent addressed only to Yolanda Martinez from CIPA General Manager Janet Kiser. In effect, Yolanda Martinez, along with three other Committee members, voted to send that email to herself as Whittier's Director of Human Resources and Risk Management. In that capacity she reports directly to Whittier's City Manager.

And then there is the smoking gun...dialogue revealing that CIPA's General Manager Janet Kiser is clearly unaware that Whittier's Parkway Tree Manual authorizes the City to immediately remove any diseased or hazardous tree with NO appeal process allowed. At a previous Whittier City Council meeting⁴, during a discussion of liability insurance, Janet Kiser was called upon to respond to questions from Mayor Joe Vinatieri and City Council members. Mayor Vinatieri: "A public speaker said gutting the Tree Manual will not reduce our insurance cost or liability. Is that correct, Janet?" She responded: "What impacts your premiums directly are your losses. If you don't remove unhealthy trees, then you stand a higher likelihood of having a claim, and that claim could then increase your premium." With that response, Janet Kiser revealed that she erroneously believes that the appeal process in the Parkway Tree Manual delays removal of unhealthy, hazardous trees when in fact any unhealthy trees can and should be removed immediately! Because the Parkway Tree Manual appeal process only relates to healthy trees, there is NO danger to the public as any delay only considers removal of healthy trees.

³ The next day, City Council member Mary Ann Pacheco issued a reel on social media saying she was not consulted nor informed that public speakers would be muted. And during introduction of the Consent Calendar for that Nov. 18th meeting, Mary Ann Pacheco showed her blue copy of the Agenda and said that the 2nd reading of Ordinance 3172 (item 8D) was NOT listed on her copy of the agenda. Mayor Joe Vinatieri responded: "Hmm."

⁴ On January 23, 2024.

At that same City Council meeting⁵, Council member Fernando Dutra specifically asked to include in the Council's Motion research about what other cities, including Pasadena & Santa Monica, are doing about their trees and to bring that research back to the City Council. The City Manager responded: "Absolutely, we will definitely do that." But no information was ever brought back regarding what other cities are doing. Members of the public, including myself, did that research and submitted it in detailed letters to the City Council and in oral public comment. That information included that Pasadena planted 28 figus trees in 2023 to fill in gaps in their iconic Green St. figus tree canopy. (Attachment A). And Santa Monica requires their figus tree canopy to be preserved during major construction projects (Attachments B).

On January 27, 2026, Whittier City Manager Conal McNamara read CIPA's Executive Committee email aloud at the City Council meeting. At your last City Council meeting on March 10, 2026, when the first reading of proposed Ordinance 3176 was on the agenda, Council member Fernando Dutra said "The reason we are doing this is because our insurance company says that they will not insure the City – we have a letter to support it. Have we put that letter up on the website?" The City Manager responded: "No." Fernando Dutra then said if anyone wants to see that letter they could ask to see it. The City Manager said "yes, it's a public document."

Today the Whittier Conservancy sent a letter to CIPA's Board of Directors requesting rescission of the CIPA Executive Committee's letter emailed to the City of Whittier on Nov. 25, 2025 (Attachment C).

In conclusion, permanently suspending our City's Parkway Tree Manual on your agenda tonight is a smokescreen⁶ built on intentional deception, a house of cards⁷. This deception has been used to scare the public. And it has resulted in your City Council voting to spend more than \$1/2million of our taxpayers' dollars on consultants to develop a new urban forest management plan when we have a model document in our City's Parkway Tree Manual, written to ISA standards in 1998 and updated in 2016. It has served to protect our City's Urban Forest for decades and in no way endangers the public.

Sincerely,



Conny McCormack
City of Whittier resident for 30 years
Former L.A. Co. Registrar-Recorder/County Clerk (Ret.)
Founder, www.saveourtreeswhittier.com

cc: Conal McNamara, City Manager
Rigo Garcia, City Clerk

Attachments A, B & C

⁵ Ibid.

⁶ Definition: any action, statement or distraction intended to hide the truth, conceal real intentions, or confuse others.

⁷ Definition: an idiom for an unstable plan, organization, or system that is fragile and likely to fail or collapse easily.