

MEDIATE THIS !

PROPERTY, TREE ROOTS AND PROBLEMS WITH PLUMBING

BY STEVEN P. DINKIN

Dear Mediator:

My house is at the top of a hilly street. The neighbor below me (#2) has a large backyard tree. The next-over neighbor at the bottom of the hill (#3) just told me she has frequent plumbing problems because the roots from the #2 tree are choking her water lines.

Her plumber said since the plumbing in our three houses is connected, all three of us should pay to fix this problem. But my plumbing is fine. Are there any legal ramifications for me?

*Feeling Ensnared
in Santee*

Dear Ensnared:

One of the great surprises in community mediation is how much distress trees cause in neighborhoods. And the tree problems you cannot see are usually more vexing than the ones you can.

Above ground, a tree is a resplendent gift from nature. If it starts growing too large for its surroundings, there usually is ample time to anticipate the damage and plan on mitigation.

Below ground, tree roots can be marauders that destroy infrastructures where no one is look-

ing. By the time wreckage becomes apparent, repair bills could be substantial - and they won't get any smaller with the passage of time.

An early step in any conflict management is to reframe the dispute as a shared problem the parties can tackle together. When we pool ideas and assets, we can generate solutions that wouldn't surface in us-vs.-them legal channels.

Such cooperation is useful when grappling with invasive trees because the rules of this game are jumbled.

Assigning individual liability can be as bewildering as it is contentious.

California tree laws are clear about one thing: The health of a live tree takes precedence over the property rights of a person. From there, the legal landscape gets tangled.

If roots from your neighbor's tree encroach onto your property, you have a limited right to trim them back. But following an appellate decision in the 1994 case of *Booska v. Patel*, you can't do anything to harm the root system or threaten the life of the tree.

If the underground invaders cause *substantial* damage to your property, your neighbor might be liable. But proving "substantial"



GETTY IMAGES

This week's question deals with neighbors and their problems associated with tree roots and plumbing.

harm and seeking redress eats up time and money. Meanwhile, the tree roots continue to spread and ravage.

The best advice for settling such disputes was handed down by the *Booska v. Patel* appellate court when it chided the antagonists that "neither party has considered what would be the neighborly thing to do to resolve this problem."

In your situation, the neigh-

borly (and smart) thing is for you three to team up and explore all options for addressing this predicament before it gets worse.

During this research phase, set aside any consideration of who pays for what, and focus on possible fixes.

Your two first steps are to seek guidance from local government agencies (including elected officials who assign staff as liaisons to constituents) and to ask several

plumbers and tree experts for professional assessments of the problem.

Prolonged drought conditions have forced tree roots everywhere to tunnel more aggressively toward scarce water sources. Such large-scale disturbance usually means a lot of people are grappling with the same adversity.

If the three of you join forces, you will have a greater capacity for ferreting out novel solutions. Your requests for assistance will carry more weight. And you will develop a valuable camaraderie.

At the end of the process, if one or two of you gets stuck with the whole bill, anyone who isn't required to pay should consider chipping in a modest amount. This would be a very neighborly thing to do and a wise investment in future relations.

Steven P. Dinkin is a professional mediator who has served as president of the San-Diego based National Conflict Resolution Center since 2003. **Do you have a conflict that needs a resolution?** Share your story with The Mediator via email at mediatethis@ncrconline.com or as an online submission by visiting www.ncrconline.com/MediateThis. All submissions will be kept anonymous. If you have questions, please email me at lora.cicalo@sduniontribune.com

NOTEBOOKS

From Union-Tribune reporting staff

JAILS: LYNDSEY WINKLEY

Inmate death was 3rd suicide in '18

The death of Frederick Jefferson, who hanged himself in his cell less than a day after being sentenced to seven years in prison for punching a police officer, was the third jail suicide this year, sheriff's officials said.

San Diego County jails have seen more than 120 deaths since 2007, including dozens of suicides.

After a City Beat investigation determined the average mortality rate in local jails over six years was the highest among California's 10 largest lockups, the department put new measures in place to better identify and monitor suicidal inmates.

This year's suicides — up from the one that happened last year — suggests the possibility that more could be done. Unfortunately, it's difficult to determine what improvements might look like, since the department has been tight-lipped about how its personnel monitored the three inmates who killed themselves this year.

When asked whether Jefferson had been identified as a suicide risk and was being monitored, a spokeswoman for the department said, "The specific medical and mental health care of (Jefferson) is confidential. However, we have a comprehensive mental health screening and treatment process. Anyone who is identified as having an increased risk of harming themselves would be treated and monitored accordingly."

The first person to take his own life inside a jail in San Diego County this year was Michael Patrick Sullivan, who died March 28. The 61-year-old was convicted of committing lewd or lascivious acts with a child under 14 years of age by force or fear. The former El Cajon and Lakeside resident was sent to prison in 1992 and released in 2007, the state database shows. County records show he was charged in October with failing to re-register within five days of relocating.

Jon Nelson, 52, killed himself about two months later on May 24. He had been convicted of a drug-related offense, and being a felon in possession of a firearm.

Jefferson was found dead in jail Sept. 1. A jury convicted him of assault on a peace officer and two counts of felony resisting arrest with force or violence in a confrontation that erupted Feb. 3 near rallies at Chicano Park.

lyndsay.winkley@sduniontribune.com

THE READERS' REPRESENTATIVE: ADRIAN VORE

Introducing the Union-Tribune's newest staff writers

Union-Tribune readers tend to be heavy, longtime consumers of news. As such, they'll notice bylines of staff reporters. Those names become familiar to readers. Over the past couple of months and up until just last week, five new reporters have joined the U-T.

Here are the new reporters behind those bylines:

• **Charles Clark** takes over the politics and county government beat.

He graduated from Arizona State University with bachelor's degrees in journalism and mass communication, and in psychology.

His introduction to journalism came when he was just 7 years old. His byline appeared in the "Mindworks" children's section of The Star Tribune in Minneapolis.

"But my real passion for reporting and journalism didn't develop until I was in college. I was pursuing a degree in psychology and for fun I took a journalism class because I thought it'd be a good way to write. I quickly realized I really enjoyed reporting, and I was hooked.

"With journalism I get to help others by holding the powerful accountable and giving residents factual information they can use. ... I couldn't have asked for a better gig."

To the readers: "My job is to supply residents the facts and information they need to make informed decisions, and to be a check on the people and institutions in power. I'm not here to work for elected officials or to push a political agenda. ... I cannot encourage you enough to reach out."

charles.clark@sduniontribune.com

• **Andrew Dyer** covers the military beat.

He's a Navy vet. After leaving the service, he attended Southwestern College, where he earned an associate's degree in journalism. He transferred to SDSU to earn his bachelor's in journalism.

"Since I was a kid, I've always been an avid consumer of news," Dyer said. "It didn't really hit me I might be able to do this for a living until I was in college.

"There's a service component to the job. We provide a vital service to the public. We want people to be aware of what their governments and institutions are doing."

To the readers: I came to San Diego in 2009 as an enlisted sailor, so I have first-hand knowledge about military and veterans issues people here live with every day.

andrew.dyer@sduniontribune.com

• **Brittany Meiling** reports on startups and small business.

She majored in journalism and minored in political science at Missouri State University.

"I've been interested in journalism since I was a kiddo thanks to the '90s musical 'Newsies,'" Meiling said. "Brian Denton, a fictional reporter from The Sun, was my childhood hero. I never wanted to be anything but a reporter.

"Being a reporter is the greatest job I can imagine. The job is a cocktail of action, education and reflection."

To the readers: "I'll be writing about the ups and downs of launching a business, and the latest trends driving new companies to form. Feel free to reach out to me to discuss potential story ideas, or to suggest startups/entrepreneurs to profile."

brittany.meiling@sduniontribune.com

• **Alex Riggins** covers breaking news at night.

Riggins graduated from Helix High in La Mesa. Then attended Grossmont College and transferred to SDSU, where he majored in journalism and Spanish.

He was introduced to journalism as a child growing up in La Mesa. His family subscribed to the U-T, and he read the sports and A sections every day.

"I like telling stories. I like informing readers about what's going on in their communities. I like holding powerful people and institutions accountable," Riggins said.

To the readers: "I work late into the night covering breaking news, so if you see something — shootings, serious vehicle collisions, fires, plane crashes, alien invasions — give me a call at any time at (619) 293-1710. And send photos of the alien invasion (and other breaking news) to alex.riggins@sduniontribune.com."

• **Kristen Taketa** reports on K-12 education with the focus on San Diego Unified, the second-largest unified district in the state behind L.A.

She graduated from UCLA with a degree in history.

Taketa became involved in journalism at the Daily Bruin student newspaper at UCLA the winter of her freshman year. "I loved it more than any class I ever took there," she said.

"I don't want a career that's about making money, and I want to feel like I'm making some kind of difference and doing meaningful and important work," she said. "Journalism lets me do this."

To the readers: "Tell me what you think I should be writing about. Have you heard anything about a school that you found strange, interesting or not like it was when you were in school? Have any questions about the way schools are that you want answered? Know any students, teachers, principals, custodians, counselors, food service employees, police officers, school nurses, community organizations or parents who are doing something out of the ordinary to take care of and engage students? Let me know." kristen.taketa@sduniontribune.com

adrian.vore@sduniontribune.com



Charles T. Clark



Andrew Dyer



Brittany Meiling



Alex Riggins



Kristen Taketa

FROM THE ARCHIVES | LOOKING BACK OVER 150 YEARS

COMMUNITY CONCOURSE DEDICATED

The San Diego Union-Tribune will mark its 150th anniversary in 2018 by presenting a significant front page from the archives each day throughout the year.

Wednesday, Sept. 16, 1964

In 1964 a \$21.5 million Community Concourse was dedicated in downtown San Diego with the opening of Convention Hall, an exhibit hall and parking garage.

Here are the first few paragraphs of the story:

GALA CEREMONIES OPEN CONCOURSE

Dedication Rites, Dinner Inaugurate \$21.5 Million Municipal Complex

By Joe Brooks

San Diego yesterday unwrapped a sparkling new municipal gem which is expected to prove one of its brightest civic assets.

With pomp and pageantry, with speeches and songs, the city dedicated its Community Concourse—a \$21.5 million complex in the center of the city which will serve as a center for conventions, cultural events and for the city government.

An estimated 3,000 San Diegans gathered outside the massive complex in what soon will become the Concourse plaza to hear Mayor Frank Curran say the event "culminates a lot of hard work, determination, concentration and even consternation.

They also heard Guilford H. Whitney, chairman of the Community Concourse advisory board, describe the public facility as "the most conveniently located on the Pa-

cific Coast and one of the most beautiful.

At the conclusion of the hourlong opening ceremony, Curran and former Mayor Charles C. Dail pulled two long white cords to release a mass of balloons which soared into the blue sky, signalling the opening of the Convention Hall, Exhibit Hall and Parking Garage.

Then the doors were thrown open and curious and proud San Diegans surged into the gleaming new buildings.

They browsed through the San Diego Products and Economy Exhibit, the first show to be staged in the Exhibit Hall, which occupies the main floor and the terrace level of the parking garage.

Shortly afterward, 1,000 members and guests of the San Diego Convention and Tourist Bureau inaugurated the Convention Hall by attending the bureau's annual dinner.



Morley H. Golden, chairman of the mayor's committee for the opening, set the keynote for the occasion when he told the audience "today the sky is the limit." This legend was repeated in a large sign hanging from the terrace level of the Convention Hall.

Golden said the occasion opened a new era for San Diego, adding stature to its metropolitan center and serving its residents for meetings, shows, displays and cultural events.

PRIVATE FUNDS

Both Golden and Whitney noted that San

Diegans can be particularly proud of the Community Concourse because they contributed \$1.6 million of the cost by private subscription.

Whitney said the money was raised "in six weeks by citizens who did what seemed impossible."

The speakers addressed the audience from a bunting-draped stand which faced the now-abandoned 14-story city administration building. They were flanked by the Naval Training Center Band and the Recruit Training Command Choir from the center.

Part of the crowd locked down on the festivities from the terrace level of the Convention Hall and Parking Garage. There also was a cluster of watchers across the street at the Security National Bank. The bank bore a large sign which said, "Congratulations City of San Diego from Security Bank."

SPURT FORESEEN

Milton R. Cheverton, president of the Convention and Tourist Bureau, explained what the convention buildings will mean to San Diego. He said within three years convention spending here will almost double, from \$22 million in 1963 to \$50 million by 1966.

Before the speeches, the flags of all 50 states were marched onto the terrace level of the Convention Hall by Navy bluejackets.

On the reviewing stand were city officials, county officials, representatives from Baja California, state officials and various persons who have been associated with the Concourse project.

ONLINE: View this and other anniversary front pages online at sandiegouniontribune.com/150-years.