

inside Scoop



CALIFORNIA LANDSCAPE CONTRACTORS ASSOCIATION
EAST BAY CHAPTER

FEBRUARY 2022

Upcoming Event

February 17: New Drip Irrigation Technologies and Strategies

Join us on Thursday, February 17 as we discuss some of the latest advancements in drip manufacturing along with the fundamentals of designing, installing and maintaining residential and commercial installations. The 45 minute presentation will be followed by a 15 minute Q&A with a panel and to cover "Dos and Don'ts / Lessons Learned. Watch for details.

On the cover: Wallis Ranch by Allied Landscape, winner of the Beautification Award for Large Residential Maintenance at the 2021 CLCA East Bay Chapter Beautification Awards.

New Contracting Laws Come into Play January 1, 2022

Here are highlights of construction-related laws that went into effect January 1, 2022.

AB 569

This bill increases from \$5,000 to \$8,000 the maximum administrative civil penalty CSLB can assess against a licensed contractor for most violations, and from \$15,000 to \$30,000 for the most serious violations relating to unlicensed practice and workers compensation insurance violations. This bill also authorizes CSLB to issue a Letter of Admonishment for more than one violation at a time.

AB 830

This bill defines the responsibilities of the qualifying members of personnel on a contractor's license regarding their duty to supervise the construction operations of the license entity. The bill provides definitions of "bona fide employee" and "actively engaged" for the purposes of a responsible managing employee's duty on a contractor's license. The bill defines the qualifier's duty of "supervision and control" to mean "direct supervision or control or monitoring

and being available to assist others to whom direct supervision and control has been delegated." The bill authorizes CSLB to require an applicant for a contractor's license to provide the qualifier's current employment duty statement describing their responsibilities under the license and allows CSLB to take disciplinary action for failing to do so.

SB 607

This bill increases existing as well as adds new licensing and application maintenance and service fees for support of CSLB.

The bill additionally reorganizes CSLB's fee statute by fee type, including different renewal fee amounts dependent on license entity type (the current sole owner renewal fee of \$450 is not being increased). In addition, effective July 1, 2022, this bill requires Department boards and bureaus to waive application and license fees for military family members. Also, effective January 1, 2023, this bill increases the CSLB qualifier, license, and disciplinary bonds from \$12,500 and \$15,000, respectively, to \$25,000.

AB 107

Effective July 1, 2023, this bill requires boards within the Department of Consumer Affairs (Department) to, after appropriate investigation, issue a temporary license to an applicant married to or otherwise in union or partnership with an active-duty military member when the applicant has a current similar license in another state.

AB 246

This bill makes a licensed contractor's unlawful dumping of debris a cause for disciplinary action against the contractor. The bill also reorganizes BPC Section 7110 from paragraph form to an enumerated form to provide clarity and improve readability.

SB 1383

SB 1383 requires cities and counties throughout California to decrease the amount of organic waste, including food waste, sent to landfills. It requires that we all participate in recycling that creates compost rather than throwing it away and adding to methane gas production.

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Rescape Announces Spring Trainings

MWELO for Plan Checkers

March 1 - 8:30 am-1:30pm Webinar

Take an expansive look at the ordinance and explore an array of design strategies that meet the standard. Speakers include two landscape designers, an irrigation specialist, a code reviewer and a compost specialist. This training includes interactive design activities where you apply the concepts covered. Fee \$125

Registration: <https://bit.ly/3GxYAFq>

MWELO for Permit Applicants

March 8 - 8:30am-12:30pm Webinar

Experts will walk you through the permit application process and explain the basics of MWELO, the different compliance pathways, plan submittal requirements, inspection/audit requirements while addressing the top 100 most asked questions regarding plants, irrigation, soil, mulch, water features and more. Fee \$140

Registration: <https://bit.ly/3Gqm5A3>

Design Qualification Training

March 29, 30, 31 8:30am-2:30pm

Early-Bird till 2/28: \$495 per person |
Regular: \$550 per person | Group Rate (5 or more from the same agency): \$495 per person

This training provides landscape design professionals with practical tools for designing and constructing healthy landscapes that protect local watersheds, conserve resources and address our changing climate.

<https://bit.ly/3Gvs5rc>

Maintenance Qualification Training

May 3, 4, 5, 10, 11, 12 -8am-12pm

Cost: \$575 Early-bird till 4/3/22

\$625 Regular Admission

Class Sessions, 8:00am - 12:00pm

This training will be conducted in a live, online format. This training provides landscape maintenance professionals with practical tools to manage healthy landscapes. Learn about regenerative landscape practices from leading experts in soil health, irrigation, plant care, integrated pest management, and more.

Registration: <https://bit.ly/3okQee0>

www.clcaeastbay.org

Resilient Regenerative Firescaping Qualification Training (FQT)

June 6, 7, 2022 | Time: 9:00am - 1:00pm

Live Online Training

Early Bird till 5/6: \$425 per person

Group Rate (5 or more from the same agency): \$425 per person

Regular: \$475 per person

Registration

https://rescape.memberclicks.net/index.php?option=com_mcform&view=ng-forms&id=2110473

California continues to face increasingly damaging and brutal wildfire seasons. Public agencies and jurisdictions throughout the state are trying to address this unprecedented crisis with better preparation and approaches to build community resilience and reduce damage. ReScape is helping to address this crisis with our newest qualification training, Resilient Regenerative Firescaping.

This program educates, aligns and empowers public agencies, commercial and institutional property owners, and landscapers to work collaboratively across departments and organizations to implement whole-systems firescaping strategies to protect people, assets and our future welfare.

ReScape's Resilient Regenerative Firescaping Qualification Training (FQT) is based on our 8 Principles for Regenerative Landscapes and establishes a more sustainable long-term approach to managing fire hazards beyond current vegetation management practices. The course provides comprehensive best practices in regenerative landscaping, specifically oriented to reducing fire hazards and preparing cities and large property owners/managers for safety before, during and after a firestorm. It offers cities and communities a pragmatic framework to limit wildfire damage by developing and managing landscapes, advocating for maintenance on others, and supporting property owners to design,

build and maintain for fire.

ReScape's 8 Principles approach to fire-scaping protects properties and landscapes and considers the best practices to mitigate climate change and create beauty with carbon landscaping, green infrastructure, waste plant debris prevention and decrease in landfill costs, regenerative landscape features, water capture and purity, embodied energy reduction and cost and maintenance savings.

- Two four-hour interactive live online sessions with robust conversations and activities with the instructor and colleague
- Strategies for fire protection using fire safety zones and defensible space principles
- Lessons and discussions on fire resistant plant selection, biological enhancements and maintenance vegetation modification techniques to reduce property vulnerability to wildfire
- Technical guidelines on how to protect and manage six types of California Urban Landscapes
- Specifics on firescaping compliance with local and state ordinances and regulations
- Best firescaping practices to mitigate climate change and create beauty
- Resources with contacts, book lists, and articles with the most up-to-date comprehensive information on firescaping program best practices
- Plans and exploration on how to create and manage a comprehensive firescaping program with community support that saves money, stress, and most importantly- lives
- Tools to implement immediate next action steps to create and manage a comprehensive firescaping program



ReScape

Insubordination: I Don't Want To, And You Can't Make Me

Steven Cesare, Ph.D., The Harvest Group, harvestlandscapeconsulting.com

A business owner from Michigan called me the other day to talk about a disagreement she had with one of her managers. Apparently, in a mode to drive accountability, the owner decided to install a GPS tracking device on all company vehicles; a standard practice for all company vehicles and/or cell phones, adopted by many landscapers across the country, fully legal, and highly recommended for those of you coming late to the party.

As part of this program rollout, the owner informed all affected staff they must now use only company vehicles and cease driving their personal vehicles while on company business.

One manager openly defied the owner, verbally resisting the new program,



alleging the owner was "micro-managing" the team, stating publicly, "I don't want to drive a company vehicle and you can't make me!"

While virtue-signaling his politically correct revulsion of micro-management, I am reasonably confident, somewhere in his histrionic tantrum, he did not want to relinquish his 56 cents/mile reimbursement for the personal use of his car for company business.

First off, monitoring and tracking company resources are not "micro-management." It is called accountability. Kind of like monitoring an employee's use of a gas credit card each month, right?

For the next couple of days, the manager was seen using his personal vehicle while reviewing job sites, visiting clients, and attending off-site meetings. Despite being reminded of the new company policy by the owner, the manager remained defiant.

The owner upset with the manager's childish reaction and rebellious tone, finally called me. I asked the owner if her company had EPLI coverage and if the employee signed the current version of the Employee Handbook. Confidently, she replied "yes" to both points. Going one level deeper, I asked if her Employee Handbook contained a standard of conduct prohibiting insubordination. "Yes," it was included in the Employee Handbook.

In general, aside from state law subtle-

ties, insubordination is typically defined as that situation which occurs "when an employee willfully disobeys or disregards a superior's legitimate directive"; in some cases, abusive language by employees toward supervisors and others can also be considered insubordination. It is commonly understood that companies may not have to maintain a formal policy in place to fire or discipline an insubordinate employee; however, such a policy can be extremely useful if a company must ever need to defend its actions in court.

Play it safe. Include the policy in your Employee Handbook.

With the fundamental elements in place, I recommended the business owner document all the employee's historical comments and actions into a timeline and proceed with a written reprimand of the employee for violating the company policy of only using company vehicles while performing business activities and for demonstrating insubordination.

Free HR Hotline

California's laws, rules and regulations about the employer/employee relationship are complex. CLCA's Human Resources (HR) Hotline can help.

- What forms are required by law when I hire a new employee?
- Can I ask if an applicant has a criminal history?
- Can my employees work through their lunch as long as I provide the pizza?
- Do I have to pay for the tools used by employees?

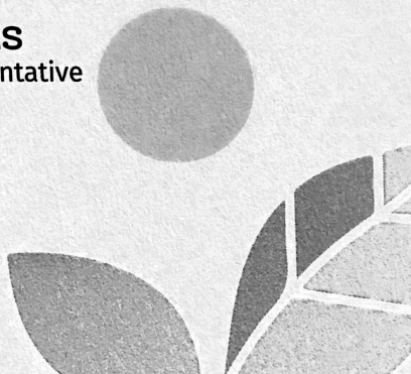
Call CLCA's HR Hotline at (888) 783-4340

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ARB Mandates 2024 Phase Out of Gas-Powered Landscape Equipment

On Thursday, December 9, the California Air Resources Board voted to update California's Small Off-Road Engine Regulations, effectively banning the sale of gas-powered equipment using small off-road engines (SORE), which includes all lawn and landscape equipment in 2024.

These recently updated regulations are part of the state's attempt to reduce greenhouse gas emissions. California also aims to mandate that 100 percent of in-state sales of new passenger cars and trucks are zero-emission by 2035.

The California Landscape Contractors Association coordinated feedback and advocacy from California's landscape professionals who use SORE landscape equipment daily.

"CLCA's members were candid and forthcoming about their concerns for such an accelerated timeline to ban the sale of SORE landscape equipment starting in the model year 2024," said Sandra Giarde, CLCA's executive director. "The reality is that the currently available battery-powered commercial landscape equipment has a way to go before meeting the needs of the full-time landscape professional. California's landscape industry supports the transition to zero-emission equipment, but a 2024 deadline is too soon, given numerous unresolved technological and financial hurdles."

CLCA worked with a national coalition of associations and industry groups to lead the charge for a compromise solution that would have ended the sale of residential landscape SORE by 2024 and allowed commercial SORE to be sold until 2028. This common-sense compromise would give equipment manufacturers enough time to increase performance and improve battery life while bringing down costs for commercial landscape professionals.

"With 85 percent of the SORE landscape equipment in California belonging to residential users, we felt our compromise solution could achieve the state's 2031 emission reduction goals while reducing the impacts on landscape professionals," says Giarde, "We remain disappointed that the board members did not concur."

"Despite today's decision by CARB members," said Paul Hansen, CLCA's State President, "CLCA will continue efforts to ensure adequate funding will be made available for rebate programs and tax credits to ease the transition."

"The Legislature only appropriated \$30 million for rebate programs, which would be about \$15 per piece of equipment for professionals," Giarde said. "With California facing a \$3 billion budget surplus, we will be working to secure additional funds to help landscape professionals make the transition."

As passed, the updated SORE regulation would allow users of gas-powered landscape equipment to continue to use their equipment. However, it would only allow zero-emission equipment to be sold starting in the model year 2024.

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East Bay Chapter Newsletter

The CLCA East Bay Chapter newsletter is published monthly. Copy and advertising deadlines are the 10th of the month preceding publication. Materials may be mailed to: Jerrie Beard & Associates, PO Box 96, Coloma, CA 95613. Or email to: jsb@beardassociates.com. For information on advertising and rates, contact Jerrie Beard at (530) 990-3580.

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2022 CLCA State Executive Board

clca.org/about/board-of-directors/

Past CLCA State Presidents from the East Bay Chapter

2018 Aaron Huxley
2017 Tim Hendricks
1996 John Redmond Jr.
1986 Roger D. Fiske
1978 Joe Tanouye

East Bay Past Chapter Presidents

2021 Paul Wong
2019-2020 Leeanna Schoeder
2018 Eric Santos
2017 Roxy Wolosenko
2016 Calvin Craig
2014-15 Peter Rosen
2012-13 Tim Hendricks
2011 DeeAnn Schuttish
2009-10 Nate Silin
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1983 Don Young
1982 David Gutru
1981 Joe Tanouye
1979-80 J. Warren Thurston
1979 Peter Rumore
1978 Pat Nichol
1977 Joe Korematsu
1976 Chuck Rich

East Bay Chapter Life Members

Congratulations and Thank You to the following CLCA East Bay Chapter Members for their continued support for over 25 years.

Roger Fiske Ken Gerlack
Jeffrey Jones Joe Korematsu
George Sunayama Jack Rydman
Thomas Raeth Kevin Berndt

CLCA East Bay Chapter Contractor's Honor Code

The CLCA East Bay Chapter exists to support Contractor's AND their employees. To successfully meet this objective, and encourage the involvement of all levels of the landscape industry, the Board of Directors is committed to supporting the following Contractor's Honor Code:
The solicitation, recruitment of, or attempt to hire another Contractor's employees while attending any CLCA function is strictly prohibited.

Member Standings

Congratulations to the following individuals for reaching another membership milestone.

30+ Year Members

Joe Korematsu (1956)
Roger Fiske (1962)
Cagwin & Dorward (1963)
Ken Gerlack (1966)
Lafayette Tree & LS (1967)
Horizon (1970)
Ewing Irrigation (1973)
BrightView Tree Co. (1973)
SiteOne Landscape Supply (1974)
Professional LS Mngmt (1980)
Delta Bluegrass Co. (1980)
Landscape Care Co. (1985)
LandPlan's LS Inc. (1982)
Village Nurseries (1983)
L.H. Voss Materials (1987)
P.J. McNamara (1987)
Suma Landscaping Inc. (1988)
Berndt Landscape & Garden Maint (1988)
Trimacs Maint. & LS Const, Inc. (1988)
Diamond K Supply Ltd. (1990)
Tony Franchetto (1991)

Life Members

George Sunayama, Joe Korematsu, Roger Fiske, Paul Schultz, Ken Gerlack, William Rogers, Thomas Raeth, Dan Berger, Robert Battinich, Kevin Berndt, Stephen Lambert, Calvin Craig

16 Year Members

Susan Royter, Landtech Design Inc.

14 Year Members

John Serviss, Devin Mountain Nursery

7 Year Members

Stephen Carmassi, Interwest Ins. Services

5 Year Members

Joshua Fookes, Deborah Fookes, Josh Hughes, Nick Smith - Bee Green Recycling and Supply
Sai Duhamel, Home Grown Designs

3 Year Members

Mathew McGrath, Farallon Gardens

The East Bay Chapter Thanks Our 2022 Partners for Success

Gold - \$1500

- Four Dinner Tickets to the Beautification Awards Banquet and sponsorship of a Judges or Sweepstakes Award plaque.
- Four Tickets to the Baseball Event (includes tailgate party).
- Free Admission to All Dinner Meetings during the year.



Silver - \$1000

- Three Dinner Tickets to the Beautification Awards Banquet and Sponsorship of an Award plaque for one of the award categories.
- Three Tickets to the Baseball Event (includes tailgate party).
- Free Admission to Three Dinner Meetings of your choice during the year.



Bronze - \$750

- Two Dinner Tickets to Beautification Awards Banquet and Sponsorship of an Award plaque for one category.
- Two Tickets to the Baseball Event (includes tailgate party).
- Free Admission to Two Dinner Meetings of your choice during the year.

All Partners Receive

- Company Name recognition in the chapter's monthly newsletter, Inside Scoop and the mid-monthly electronic newsletter E-Scoop. Company event promotion in electronic newsletter, E-Scoop.
- Company Name recognition at every event, logo on table-tents or event fliers, Company logo on the chapter website and event announcements.

For information, or to become a sponsor, call Laura Leuer at (510) 207-4350.



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