



inside



CALIFORNIA LANDSCAPE CONTRACTORS ASSOCIATION
EAST BAY CHAPTER

MARCH 2022

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On the cover: Freeport HOA by Suma Landscaping Inc, winner of the Achievement Award for Renovation Installation at the 2021 CLCA East Bay Chapter Beautification Awards.

State Water Board Adopts Emergency Water Use Regulations for Drought Resilience

As climate change-fueled extreme weather continues to disrupt our water system, the State Water Resources Control Board recently adopted an emergency regulation that prohibits certain wasteful water use practices statewide and encourages Californians to monitor their water use more closely while building habits to use water wisely.

Among the wasteful water practices included are irrigating ornamental landscapes when it's raining, using potable water to clean hard surfaces or driveways, and the use of ornamental fountains. The regulation stems from Governor Newsom's Emergency Drought Proclamation on October 19, 2021, which expanded the drought emergency statewide and encouraged the State Water Board to supplement voluntary conservation measures by prohibiting certain wasteful water uses. Prohibited use regulations are not new in California. Similar regulations were in place during the state's last severe drought. In some areas,

they were made permanent through local action.

"Climate change is challenging us to build drought resilience in our water infrastructure and management practices and at an individual level in our daily habits," said E. Joaquin Esquivel, chair of the State Water Board. "Prohibiting wasteful water practices increases awareness of water as a precious resource no matter what type of weather we are experiencing in a given moment, because weather extremes are now part of our climate reality."

The prohibitions apply to specific uses and apply to all water users, including individuals, business and public agencies, and can be enforced through warning letters, water audits or fines. The prohibitions will remain in place for one year unless extended, modified or removed. They help ensure that Homeowners' Associations (HOAs), cities and counties don't unlawfully restrain homeowners from taking water conserva-

tion actions. Even without the emergency regulation, it is illegal for HOAs to prevent water conservation during a drought emergency, but the regulation allows for monetary penalties for certain violations of existing law.

The board has the authority to impose monetary penalties, and the regulation makes the prohibitions infractions, which may be enforceable by local governments or other agencies that have the authority to enforce infractions.

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CLCA Legislative Committee Gears Up for New Year

Jay Martinez, CLCA Director of Legislation

We've started a new year and with it, our state legislators have returned to Sacramento to present new bills covering all aspects of our lives in California.

Through the end of February, legislators have an opportunity to bring forward new bills for consideration. As is their pattern, many wait until just before the deadline to submit their bills. This year, between the Senate and State Assembly, we anticipate at least 1,000 bills will come forward. CLCA is fortunate to work with our legislative advocate, Tom Sheehy, who helps the CLCA Legislative Committee review the introduced bills, identify ones of interest, and (if necessary) adopt a position of support or opposition.

CLCA's website has regularly updated list of the bills that we are tracking and any positions we have adopted. You can check this out at: <https://www.clca.org/advocacy/clca-legislation-center/>

CLCA chapters are beginning their programming for the year and we are already seeing chapters inviting legislative representatives or other government officials to their events. We encourage you to attend these events and get to know your representatives. It will assist with our collective advocacy work, should in person outreach be needed.

Once we see what legislation has been introduced, keep your eye on this space for updates of particular bills of interest to CLCA and the green industry.

Bills CLCA is Watching

AB 84 (Committee on Budget) Employment: COVID-19: supplemental paid sick leave.

Would, beginning January 1, 2022, until September 30, 2022, provide for COVID-19 supplemental paid sick leave for covered employees who are unable to work or telework due to certain reasons related to COVID-19, including that the employee is attending a COVID-19 vaccine or vaccine booster appointment for themselves or a family member, or is experiencing symptoms, or caring for a family member experiencing symptoms, related to a COVID-19 vaccine or vaccine booster. The bill would entitle a covered employee to 40 hours of COVID-19 supplemental paid sick leave if that employee either works full time or was scheduled to work, on average, at least 40 hours per week for the employer in the 2 weeks preceding the date the covered employee took COVID-19 supplemental paid sick leave. The bill would provide a different calculation for supplemental paid sick leave for a covered employee who is a firefighter subject to certain work schedule requirements and for a covered employee working fewer or variable hours.

AB 87 (Committee on Budget) Economic relief: COVID-19 pandemic.

Would create the California Emergency Relief Fund as a special fund in the State Treasury to provide emergency resources or relief relating to state of emergency declarations proclaimed by the Governor. The bill would transfer from the General Fund to the California Emergency Relief Fund \$150,000,000 for purposes relating to the COVID-19 emergency proclaimed by the Governor on March 4, 2020. The bill would appropriate \$150,000,000 from that fund to the Office of Small Business Advocate for a closed round to fund small business grant applications waitlisted from previous rounds of the California Small Business COVID-19 Relief Grant Program.

All-New Toro® Workman® UTX

Toro's all-new line of utility vehicles, the Workman UTX, were created specifically for work, not recreation. They're durable, versatile, and smart, the ideal combination of commercial characteristics for sports fields and grounds maintenance.

"We're excited to bring a 4-wheel drive vehicle to market specifically made for the crews maintaining sports fields, cities, parks and schools," said Noah Wahl, Toro marketing manager. "This new, rugged utility vehicle doesn't mess around. It's designed to tackle tree maintenance, landscaping, event setup and teardown, trash, transportation of people, materials, and tools. Its versatility and durability are what truly makes it unique."

The commercial-grade, 4-wheel drive vehicle uses a proprietary ground speed governing system. The Workman UTX's ground speed and RPM are not directly connected, allowing the manager to limit the speed of the machine without gutting the power. This system allows for the perfect amount of power to be applied to the job, no matter the desired ground speed. This can mean lower RPMs, and with it lower fuel consumption and sound, or higher RPMs for more power to push snow or haul a heavy load.

Like a full-sized vehicle, The Workman UTX is road-ready with standard turn signals, brake lights, hazards, LED headlights, and a horn. An all-weather cab with heat and air conditioning are available to keep operators comfortable in any conditions.

The Workman UTX is available with gas or diesel power and in configurations with room for two or four passengers. Push button 4-wheel drive and selectable front and rear differentials give you peace of mind.

Employee Non-Response

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

A business owner from Virginia called me the other day to talk about an employee who frequently complained about anxiety, stress, and panic attacks due to events in her personal life. Parenthetically, as an FYI, these types of issues are becoming increasingly common; be prepared and be ready.

Throughout our dialogue, it became extremely clear that the business owner had addressed all the fundamentals necessitated by this event. She verified the employee signed the Employee Handbook, informed her EPLI vendor of this issue and potential implications, and engaged the employee in the four-step Interactive Process advocated by the Department of Labor to maintain compliance with the Americans with Disabilities Act (ADA). Confidentiality had been maintained. Extensive documentation was in place.

Nice job!

Despite the business owner's commendable actions and best intentions, the employee began to miss work periodically, eventuating in complete absence.

In a normal situation, the employee would reflexively be judged as resigning his/her position due to job abandonment which in most Employee Handbooks is defined as three consecutive workdays of no-call/no-show.

Due to the litigious circumstances inherent with the ADA, this case was not normal.

With that pretext in mind, I advised the business owner to not proceed with the normal job abandonment protocol. Rather, I

suggested she implement a three-step communication process serving multiple means: Demonstrating a sincere effort to reach the estranged employee and to compile a "good faith" effort to not discriminate against a disabled employee who may require supplementary effort beyond that afforded to non-disabled employees.

First, I urged the owner to call the employee's last known telephone number, with a witness present, and leave a message on the employee's voice-mail requesting that the employee communicate with the business owner as soon as possible. Naturally, I admonished the business owner to document every phone call to the disabled employee, substantiated by the call being made on the business owner's monthly telephone bill.

Second, based on the passage of several days and non-response to the aforementioned telephone message(s), I recommended the owner send a text message and an e-mail message to the disabled employee's last known telephone number and e-mail address. Documentation is axiomatic.

Next, after the passage of several more days, I instructed the business owner to send a formal letter to the disabled employee's last known home address, via certified mail return receipt requested. This letter serves as summary documentation, restating the employee's last day of work, the company's no-call/no-show policy, the dates in which telephone calls, text messages, and e-mail messages were sent

to the employee, and requesting a formal statement from the employee specifying her intentions to remain employed by the company, while giving the employee a three-day horizon to contact the company, or be classified as a resignation. While implied, please be reminded the EPLI vendor should be contacted throughout this process and be included as a "cc" on this final letter.

True to form, the business owner dutifully followed the tedious administrative process recommended above, all to no avail. The employee failed to respond at each step of the sequence.

That said, the owner, the EPLI vendor, and I all had confidence in the painstaking procedure, which granted us peace of mind going forward, in the event the disabled employee would have alleged discrimination.

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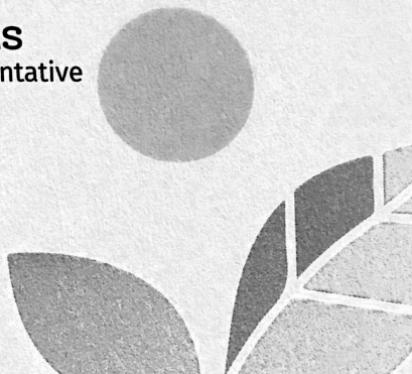
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Sponsor Profile: CLCA Insurance Solutions

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Landscaping companies need insurance that adapts to the fluxes of a seasonal business. In peak season, you need a carrier that is flexible with vehicle and equipment coverage or when your payroll is lower in the slow season, you need that reflected in your premiums. CLCA Insurance Solutions can advise you on how to make that happen. When you need to make changes during the season, you need an agent that responds quickly and answers your phone calls! And

you need an agent that understands the local environment and can match coverage options to your situation.

CLCA Insurance Solutions is not "fast food" and "one-size-fits-all." They make a careful analysis of the risks unique to you and your company. Their staff is knowledgeable and has extensive experience and will discuss the best way to minimize your risks and close possible gaps in your coverage providing a custom-fit insurance plan based upon your risk profile and your budget.

Coverages You Need

Landscaping companies rely heavily on trucks, vans, trailers and equipment to get their work done. The program represents companies that offer competitive rates while they participate in training and safety programs for landscaper's drivers and fleets!

You also depend on workers to get things done. CLCA Insurance Solutions

understands the complexities of workers compensation insurance and are available to help make your safety training effective, to facilitate your OSHA compliance and to provide information to keep you up to date with materials specific industry.

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The Personal Lines staff at CLCA Insurance Solutions is prepared to find the best fit to satisfy a wide range of personal insurance needs and close possible gaps in coverage.

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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
2007-08	Barry Minor
2006	Gregory Wrenn, Rick Martens, CLT
2005	Dennis Brewer
2003-04	Rick Martens, CLT
2000-02	Gregory Wrenn
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1983	Don Young
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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.

Plant Spotlight: Tree Dahlia

By UC Master Gardener Doug Lockwood

There's a plant that grows 12-15 feet tall in a single season and rewards us with white or pink flowers in November. Varieties include single whites, pinks, lavenders, a double-white with a pom-pom center, and a single pink that often throws a few double flowers, all of which are attractive to bees and butterflies. It's super easy to propagate from a stem or a tuber cutting, and pruning consists of cutting the branches down to the ground at the end of the season.

The plant is the Tree Dahlia (*Dahlia imperialis*), which is native to the mountains of Mexico and Guatemala.

Tree dahlias spread laterally but are not invasive. They prefer mildly acidic soil, need only average water, but are sensitive to frost, so sheltered spots in lower elevations in Sunset zones 4-6, 8, 9, 14-24 are optimal locations for successfully growing these plants.

The Aztec name was acocotil, meaning water-cane. When you cut one of the canes, be prepared for liquid to drain out, this is completely normal. Early explorers and travelers used the hollow stems of the Tree Dahlia to transport water.

The stems have nodes and in appearance are not unlike bamboo stems. Each node will sprout. Tree dahlias can be propagated from branches or tubers in containers and then transplanted into the ground. Sections of branches can be laid directly in the ground horizontally 5-6 inches deep and covered with soil.

Gophers seem to favor tree dahlia tubers so if your garden has these pests, be sure to lay down gopher wire first. Here on the West Coast, the tubers can stay in the ground over the winter, however in areas where the ground freezes, gardeners dig up the tubers and store them until the next growing season.

A note of caution, the roots, leaves and flowers of Tree Dahlias can be mildly toxic to dogs and cats, causing skin irritation and gastrointestinal distress.

The UC Master Gardeners of Monterey and Santa Cruz Counties has a publication on planting and care of Tree Dahlias, which can be accessed at <https://bit.ly/3M7yVXZ>.



Member Standings

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- 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).
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Bronze - \$750

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- Two Tickets to the Baseball Event (includes tailgate party).
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For information, or to become a sponsor, call Laura Leuer at (510) 207-4350.



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