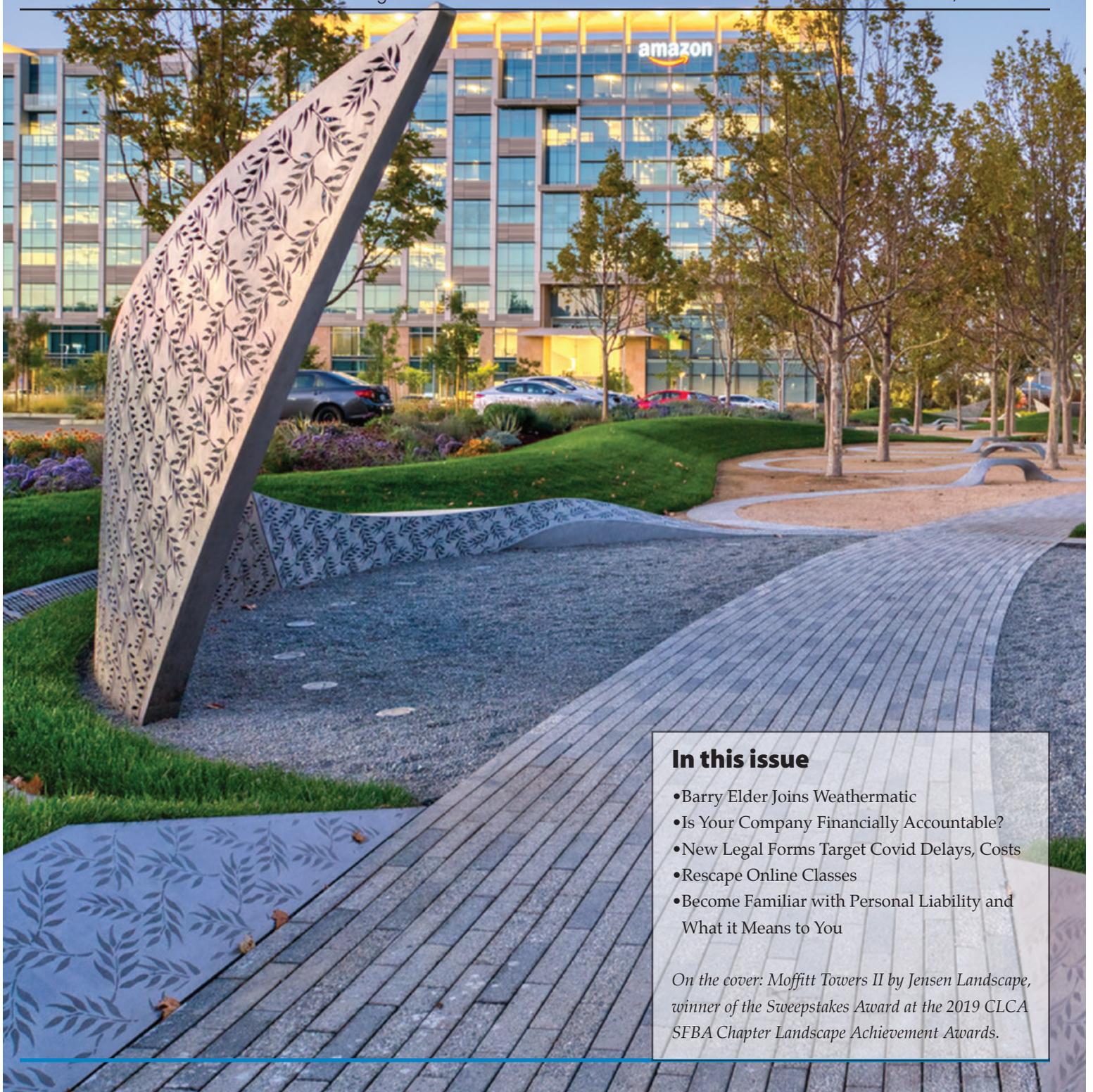


Bay Breeze

A Tradition of Excellence • www.clca-sfba.org

JUNE 2020 • Vol. 44, Issue No. 6



In this issue

- Barry Elder Joins Weathermatic
- Is Your Company Financially Accountable?
- New Legal Forms Target Covid Delays, Costs
- Rescape Online Classes
- Become Familiar with Personal Liability and What it Means to You

On the cover: Moffitt Towers II by Jensen Landscape, winner of the Sweepstakes Award at the 2019 CLCA SFBA Chapter Landscape Achievement Awards.

Barry Elder Joins Weathermatic as Director of Distribution, California Region



Weathermatic welcomes Barry W. Elder as Director of Distribution, California Region to lead business development in the largest U.S. sales market. Elder brings 30 years of green industry experience ranging from landscape construction to manufacturing (FX Luminaire) to distribution (Ewing Irrigation). Elder is committed to the industry as a California Landscape Contractors Association (CLCA) member for 20 years and has served on boards of numerous state and local organizations.



Elder will be responsible for building and managing a regional sales team while growing and maintaining existing and new business relationships with professionals in landscape construction and maintenance, wholesale distribution,

irrigation design and consulting, landscape architecture, public agencies, institutions and non-profit organizations.

“We are excited to double down on the California marketplace and invest in Barry joining the Weathermatic family and contributing to our “Water with Purpose” mission! His energy and history of success in past endeavors speak for themselves. Barry is committed to his customers, and his passion for his work is impressive as well,” said Fred March, Weathermatic president of Wholesale Distribution.

Elder joins Weathermatic, the “World’s Leader in Smart Water Technology,” as it celebrates its 75th anniversary in business. Weathermatic designs and manufactures a

full line of irrigation equipment exclusively for professionals who are inspired to take a water first approach in irrigation design, installation, and maintenance. Committed to the highest quality standards and best warranties in the industry, Weathermatic is known for the patented SmartLink Network as the most innovative equipment and cloud-based software technology ever produced for irrigation controllers and water management systems. The Weathermatic Foundation is central to the Weathermatic “Water with Purpose” mission in providing clean drinking water to thirsty people in need around the world with over 20,000 lives saved and counting.

Buy better, buy different, buy Horizon.
 Horizon has the products you need, when you need them—all under one roof.



IRRIGATION



OUTDOOR LIVING



LANDSCAPE



EQUIPMENT

gation | outdoor living | landscape | equipment | irrigation | outdoor living | landscape | equipment | irrigation | outdoor living | landscape | ec

Visit us online or stop in to your local Northern California Horizon store.



Menlo Park 650.323.5161
4060 Campbell Ave

San Jose ★ 408.287.7882
1990 Stone Ave

★ = service center on site



Horizon
 HorizonOnline.com
 shop online at 247.HorizonOnline.com

A Message from the President

Jeff Henninger, Delta Bluegrass Co.

Is Your Company Financially Accountable?



As the state, counties and cities begin to open up CLCA members are adjusting to the "New Normal." CLCA continues to offer webinars on how to navigate through this. Bay Area landscape professionals seem very optimistic. Now more than ever it's important to make sure your business can operate for at least three/four months without receiving a dollar in income. I thought the following article by Jeffrey Scott was appropriate for current times.

Financial Accountability doesn't need to be a bad word. The definition of accountability means to calculate or give an accounting of. With good people on board, you merely need a process for 'taking an account of the situation, then making decisions based on that. It all circles back to what the leader is doing weekly with their team.

This year (more than past years) raises the important question, 'What is the role of the leader?' The leader's single most important role is to be a strong, effective communicator.

Communication comes in many flavors, but financially it means this:

1. Engage your team in setting the goals,
2. Give your people constant updates on their results
3. Identify where they are ahead and where they are behind.
4. And in those places where you are behind, identify the gaps and ensure your team takes ownership for closing the gaps.

7 Steps for Financial Accountability

(Note: This is based on my comprehensive 14 step plan...these are the first seven most critical steps.)

1. The company and each division are following an accurate monthly budget, based on 'time tested' billable and

- non-billable hours assumptions.
2. Crews are given daily feedback on their results regarding their hours and efficiency goals
3. Divisions review their results weekly with their crew leaders, making use of group sharing strategies like 'forced ranking'.
4. Leadership team reviews a company dashboard weekly. Each leader on your team has their own set of numbers to report on.
5. Job costing is reviewed frequently and consistently, with feedback given to both crews and estimators.
6. Sales goals and actuals are reviewed with your sales team weekly, based on monthly goals (broken into weekly goals as needed)
7. Your P&L is reviewed monthly; with all the main line items assigned to leaders in the room to track and report on.

Even though incentives may be part of your financial game plan, they are only important after you set up this foundation...first things first!

Your Challenge

Don't get distracted by the current hullaballoo going on in politics and the papers; keep your team focused on the daily and weekly habits needed to win!

You may feel that you only have an average team, but I guarantee you will achieve above average results when you raise your game as the financial leader.

And if you tell me your team is actually above average, then I guarantee you will enjoy stellar results with these seven steps.

Some people say to keep your head down and grind it out. Not me. I say, Keep your eyes on the scoreboard, and keep communicating the score to your team.

New Legal Form Targets COVID Delays, Costs

Delays and additional costs are just some of the headaches contractors and clients face when returning to work. CLCA has created an addendum to its popular residential home improvement contract that addresses these and other pandemic-related issues. You can download the document at <https://bit.ly/2Ma6vic>.

Available as a one-page fill-in-the-blank PDF, the addendum was created by the Law Offices of William Porter, the voice behind CLCA's popular Attorney on Call member benefit program.

What Does The Addendum Address?

- Additional costs, such as increased travel expenses because employees can't carpool to job sites
- Project delays due to scarcity of materials or labor
- Project termination, including who pays for what

The addendum allows you to plan for these contingencies and more.

The legal form should be used in conjunction with CLCA's Residential Home Improvement Contract.

Paycheck Protection Program Update

The U.S. Small Business Administration has provided updates on Economic Injury Disaster Loans and the Paycheck Protection Program. The SBA notes that "The Paycheck Protection Program is a loan designed to provide a direct incentive for small businesses to keep their workers on the payroll. SBA will forgive loans if all employees are kept on the payroll for eight weeks and the money is used for payroll, rent, mortgage interest or utilities. You should consult with your local lender as to whether it is participating in the program."

For more information, visit <https://bit.ly/2M7PvsZ>.

Rescape Classes Now Online

ReScape is excited to offer online professional development opportunities. Our virtual courses address the latest best practices in regenerative landscaping and are taught by subject-area experts. These live, online courses include interactive activities and thoughtful discussions designed to help professionals adopt best practices of our 8 Principles of Regenerative Landscapes.

Upcoming Online Trainings

- ReScape Design Qualification Training - June 4, 9, 11, 2020
- ReScape Rater Training - June 15, 17, 19, 2020
- ReScape Maintenance Qualification Renewal Training - June 18, 2020
- ReScape Advanced Professional Workshops: IPM & GSI - June 22, 26, 2020

We understand this is a difficult time for many, thus we are offering \$100 discounts

on our design and maintenance qualification trainings. Use the discount code "RESILIENCE". Additionally, limited scholarships are available for participants in Sacramento County and employees of StopWaste Member Agencies.

Information

For more information or to register, visit <https://rescape.memberclicks.net/rescape-qualification-trainings>

ReScape Design Qualification Training

June 4, 9, and 11, 2020
Live online webinar | \$545 per person

Participants will learn about regenerative landscape practices from leading experts in soil health, stormwater, plant selection, integrated pest management, and more. The Design Qualification Training also provides

in-depth information about our Rated Landscape Program and serves as a pre-requisite for becoming a ReScape Rater.

Continuing Education Units for external certifications and qualifications from the Association of Professional Landscape Designers (APLD), International Society of Arboriculture (ISA), Qualified Water Efficient Landscaper (QWEL) and more*

ReScape Rated Landscape Rater Training

June 15, 17, 19, 2020 | 9:00am - 2:30pm
Live Online Webinar | \$425 per person

ReScape Qualified Raters serve as professionals who verify that the design and construction of a new or renovated landscape meets the requirements of the ReScape Landscape Scorecard. ReScape Raters must meet professional eligibility requirements and complete both a ReScape Professional Qualification Training as well as the Rater Training course.

To be eligible to take this course, one

We Give Trees New Life

MARY STEWART
ISA Certified Arborist #WE-5805A
mary@bigtreesnursery.com
Cell 760-696-6593



BigTrees
NURSERY, Inc.

12450 Highland Valley Road
Escondido, CA 92025
Phone 858-487-5553
Fax 760-888-1914
www.bigtreesnursery.com

Specimen Trees
Buy • Sell • Move

village nurseries
ROOTED IN QUALITY®
a division of



CHARLES CATES
TERRITORY MANAGER - SAN FRANCISCO & SOUTH BAY AREA
6901 BRADSHAW ROAD, SACRAMENTO, CA 95829
916-364-2945 / ccates@villagenurseries.com
www.villagenurseries.com

CLCA MEMBER ADVANTAGE

Lounge and learn

Get comfortable — and grow! Expand your professional expertise by taking advantage of CLCA's online opportunities! View webinars on demand and plan to participate in upcoming virtual events. And also check out valuable resources and educational offerings from your industry colleagues.



 California Landscape Contractors Association

clca.org/online

must be a ReScape Qualified Professional, with a current Qualification (or signed up for an accompanying Design Qualification Training) and hold one or more of the licenses, degrees, certifications or experiences listed on our Raters webpage.

ReScape Maintenance Qualification Renewal

June 18, 2020 | 8:30am - 3:30pm

Live Online Webinar

\$220 (includes 2-year membership)

\$265 (includes 2-year membership plus Directory Listing)

Open to any and all current or formerly qualified ReScape Qualified Professionals in Landscape Maintenance. Please reach out to info@rescapeca.org with questions about your qualification status.

- Get the latest best practices from field experts
- Join like-minded professionals regenerating our landscapes

ReScape Professional Trainings

June 22, 2020 | 9:00am - 1:00pm

Green Stormwater Infrastructure

June 26, 2020 | 9:00am - 1:00pm

Integrated Pest Management

- Both Classes: IPM & GSI + Stormwater Management - \$160 general / \$150 member
- IPM Workshop ONLY - \$85 general / \$80 member
- GSI + Stormwater Management Workshop ONLY - \$85 general / \$80 member
- Bundle workshop registration and ReScape qualification renewal:
- Both Classes + 2-Year Membership Renewal with Directory Listing (\$390 value!) - \$265 RQPs only
- Both Classes + 2-Year Membership Renewal (\$294 value!) - \$220 RQPs only

Each workshop is eligible for 3 ReScape CEUs. Workshops eligible for CEUs for external certifications and qualifications. Check the website at for details at <https://rescape.memberclicks.net/rescape-qualification-trainings>.
www.clcasfba.org

Become Familiar with Personal Liability and What it Means for You

Steven Cesare, Ph.D.

The Harvest Group, Landscape Business Consulting | harvestlandscapeconsulting.com

A business owner from California asked a question of me the other day regarding the degree of personal liability he and his managers may be confronted with when dealing with various human resources topics. Though initially incredulous, the owner acknowledged that “while it may seem crazy, after all, this is California.”

To be perfectly clear: The dominant issue in his inquiry was that if an employee is targeted for personal liability, that employee’s company is not necessarily obligated to defend the individual employee in court. That means, the employee must secure his/her own individual legal defense, and risk damages that impact his/her personal assets, wealth, and earnings.

At the state level, the owner’s fears were justified. Per state law, an owner, director, officer, or managing agent (e.g., HR) of the employer; employees may now bring actions against the managing person or owner directly as an individual, as well as against the employing entity itself. Such action may be triggered by allegations related to sexual harassment, various wage and hour violations, as well as abusive conduct.

Beyond California, several other states including New Jersey, New York, Massachusetts, Connecticut, Ohio, Oregon, Pennsylvania, and Washington allow plaintiffs to bring claims against individuals under the theory that they “aided and abetted” discrimination or harassment.

At the federal level, there are currently 10 employment laws that permit individual civil liability:

- Consolidated Omnibus Budget Reconciliation Act (COBRA),
- Employee Retirement Income Security Act (ERISA),
- Fair Labor Standards Act (FLSA),
- Family and Medical Leave Act (FMLA),
- Foreign Corrupt Practices Act (FCPA),
- Immigration Reform and Control Act (IRCA)

- Occupational Safety and Health Act (OSHA),
- Section 1981 of the Civil Rights Act of 1866,
- Section 1983 of the Civil Rights Act of 1871, and
- The Uniformed Services Employment and Reemployment Rights Act (USERRA).

Among those 10 laws, the following five allow individual criminal liability: ERISA, FLSA, FCPA, IRCA, and OSHA.

To protect oneself against personal liability, individuals should:

- Verify they are protected against personal liability claims to the degree to which they are explicitly covered as part of their employer’s Employment Practices Liability Insurance (EPLI) policy,
- Develop an Asset Protection Trust (i.e., Living Trust) that shields “trust” assets from personal liability,
- Become professionally fluent with the relevant employment laws that impact personal liability, and
- Verify legal compliance with all procedures associated with the aforementioned topics at all times.

If you have any questions or comments about this topic or anything else related to human resources, simply call me at (760) 685-3800.

2020 SF Bay Area Chapter Contacts

CHAIRMAN OF THE BOARD

GABRIEL THOMAS (408) 482-0700
Three Rivers Landscaping
gthomas@threeriverslandscapeservices.com

PRESIDENT

JEFF HENNINGER (925) 698-8295
Delta Bluegrass jhenninger@deltabluegrass.com

VICE PRESIDENT / MEMBERSHIP CHAIR

KENNETH COVERDELL (650) 533-7346
Blue Sky Designs Kc@blueskydesigns@gmail.com

TREASURER

Juan CARLOS ESPARZA (408) 642-8907
Urban Scapes urban.scapes@outlook.com

SECRETARY

VLAD KHROLOR (650) 368-7400
Skyline Landscape
Vlad.SkylineLandscape@gmail.com

ASSOCIATE LIAISON

MARIN VILLALPANDO (408) 586-9292
Zanker Recycling marin@zankerrecycling.com

AUXILIARY PRESIDENT

LESLEY PETERS 650-941-4093
Girvin Peters Landscape gpland@sbcglobal.net

VICE PRESIDENT / MEMBERSHIP CHAIR

GIRVIN PETERS (650) 948-7260
Girvin Peters Landscape gpland@sbcglobal.net

AUXILIARY TREASURER

RICK CAMIN
Camin Landscaping rick@caminland.com

AUXILIARY SECRETARY

VICKY PARROTT victoriala@att.net

BAY BREEZE EDITOR

JERRIE BEARD (530) 621-1701
Beard & Associates jsb@beardassociates.com

CLCA State Headquarters

1491 River Park Drive, Ste. 100
Sacramento CA 95815-8899
(916) 830-2780 • (800) 448-2522
(916) 830-2788 Fax • email: hq@clca.org

CLCA Mission Statement

The California Landscape Contractors Association serves the interests of its members, promotes professionalism, and advances public awareness of the landscape industry.

The CLCA SFBA Chapter newsletter is published monthly. Copy and advertising deadlines are the 10th of the month preceding publication. Please send all copy, black & white photos, line art and ad materials to: Jerrie Beard & Associates, PO Box 7, Pollock Pines CA 95726. Emailed submissions are welcome at jsb@beardassociates.com. For information on advertising and rates, contact Jerrie Beard at (530) 621-1701.

Articles submitted are subject to approval and modification. Chapter or Editor are not liable for misprints or errors, and do not necessarily agree with opinions expressed in byline articles. Articles may be used by other CLCA chapter newsletters, giving proper credit to their source.

Auxiliary Report



May has come and gone and we are now back to work.

Hallelujah!

A few problems to iron out over the coming months, but I'm not one to complain.

The Auxiliary had our May meeting via Zoom on May 26. We had eight people in attendance. Thank you to those who participated. It was an uneventful meeting, mostly postponing major decisions until more is known about when we can have group gatherings. I was glad to see everyone's smiling faces and everyone seemed to be in good spirits. I for one cannot wait to get a haircut! Here are some dates to mark on your calendar:

- **Saturday, August 15:** Auxiliary potluck at the home of James Walker in Pescadero. Thank you James for volunteering to open your home again for the Auxiliary.
- **Sunday, September 13:** Chapter Picnic at Cuesta Park in Mountain View. We will be rethinking the food for the picnic, but at the moment, the horseshoe tournament must go on!

We will know more in the coming weeks about group gatherings and what kind of restrictions we may have to follow. Volunteers organize all of our events. Please say "thank you" to all of the volunteers who work hard for the Chapter all year. Please don't hesitate to reach out to anyone in the Chapter for assistance of any kind. Take care and don't forget your mask!

SFBA Chapter Scholarship Funds

The SFBA Chapter has established scholarship funds through the Landscape Educational Advancement Foundation (LEAF) with the following balances:

SFBA Chapter	\$10,389.25
John & Mary Lyngso Fund	\$15,607.15
Herbert Frank Memorial	\$16,481.83
Hans Biland Memorial	\$12,045.88
Bill Hayes Memorial	\$13,520.62
Klaus R. Hertzner Memorial	\$11,544.49
G. Kunimoto Memorial	\$12,770.00
Ken Jenner Memorial	\$12,201.99
Paul Shogren Memorial	\$16,863.56
Edron Schneider Memorial	\$11,574.81
Dr. Barry Cohen PhD	
Honorarium	\$ 8,915.08
Tanouye Memorial	\$ 5,250.82
Steve Whitehill Memorial	\$ 6,383.50
John Gachina Memorial	\$14,285.00
Mas Tsuda Memorial	\$6,443.98
Candy Fiske Honorarium	\$7,125.12
Total	\$175,733.32

To make a donation, send a check payable to "LEAF" to: CLCA, 1491 River Park Dr., #100, Sacramento, CA 95815.

CLCA Benefit: Legal Forms

CLCA has a host of legal forms available online including contracts, subcontracts, change orders, and more. Login at www.CLCA.org, click on Professionals, Membership, then 'Legal Contracts Online' to take advantage of this great member benefit.

And, if you need legal advice, call CLCA's Attorney on Retainer, Bill Porter at (916) 381-7868.



**LANDSCAPE CONTRACTORS
INSURANCE SERVICES, INC.**
Member owned. Service focused.

1835 N. Fine Ave.
Fresno, CA 93727

ELLEN MONTALBANO
ACCOUNT EXECUTIVE

emontalbano@lcisinc.com
www.lcisinc.com

P (800) 628-8735 Ext. 508
C (650) 492-1774
F (800) 440-2378

CA LIC # 0755906

Specialized Insurance & Business Services for Members of the Green Industry

Partners for Success

By Marin Vallalpando

Thank you to all the companies who have stepped up in 2020 to support the CLCA San Francisco Bay Area Chapter. Your generous support goes a long way in helping us provide top quality events to our chapter throughout the year.

If you would like to help support our chapter by becoming a partner, please look over the Partners information at www.clcasfb.org/whoweare/#Partners or contact me, Marin Vallalpando at 408.586.9292 or email marin@zankerrecycling.com.

All of our chapter events are made possible by the generous support of our many sponsors. Please thank them for their commitment to our chapter both with an "atta boy" when you see them, and also by supporting their businesses.

Diamond Partners



Pacific Nurseries



Peninsula Building Materials Co.



Platinum Partners



Gold Partners



Achievement Awards Sponsors

Garden Tour

Oliver Frank/
Landscapia

Student Sponsors

Girvin Peters Landscape

KURAPIA

Utility Groundcover

LARGEST PRODUCERS OF KURAPIA SOD ON THE PLANET

**60%
LESS WATER**

DELTA BLUEGRASS CO.
1978-2018
40th
Anniversary

**MOWING
OPTIONAL**

**NATURAL
POLLINATOR**

**PREVENTS
SOIL EROSION**

**SUPPRESSES
WEEDS**

REVOLUTIONIZING LANDSCAPE MANAGEMENT

www.deltabluegrass.com
 800.637.8873

C-27 752734

LYNGSØ

Delivery, rental trucks, pickup, or direct shipping
Monday - Saturday 7 to 5, Sunday 8 to 4

www.lyngsogarden.com

650.364.1730

345 Shoreway Road, San Carlos CA 94070

Organic Lyngso Vegetable Blend, Landscape Mix, Potting Mix, Essential Soil, Roof Mix, Biotreatment Mix, Diestel Structured Compost & other quality composts, Arbor Mulch, Fir Bark, Ground Redwood Bark, Wood Chips, Mahogany Chips, Actively Aerated Compost Tea, Down to Earth Organic Fertilizers, Random & Dimensional Flagstone, Custom Fabricated Stone, Bluestone, Limestone, Sandstone, Quartzite, Slate, Landscape Boulders, Wall Rock, Ledgestone, Decorative Gravel & Pebbles, Decomposed Granite & Path Fines, Construction Sand & Aggregates, Stone Fountains, Garden Ornaments & Pottery



Your installation.
Our parts.

- 3 Bay Area growing grounds
- Order plant material online
- Convenient delivery to your site
- Serving landscape professionals
- Subscribe to our email Newsletter



Pacific Nurseries.

www.pacificnurseries.com | 650.755.2330

~KURAPIA~

NEW

DROUGHT TOLERANT GROUNDCOVER SOD

- A turfgrass alternative changing the industry
- No need to sacrifice lawns to save water on landscape
- Grows low to the ground rarely exceeding 1"
- Dark green year round, and if left un-mowed produces small white flowers May-November

WEST COAST TURF

Ask us about other water saving turfgrasses, too!

westcoastturf.com
888/893-8873



zanker

landscape materials

90+ Materials

Best pricing in town

Recycled Products

We Deliver



zankerlandscapematerials.com

705 Los Esteros Rd, San Jose, CA, 95134

408.586.9292 | 408.515.6330