

# Bay Breeze

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*At left: Members old and new enjoyed a CLCA family get together at the chapter picnic in September. The horseshoe competition again proved fierce. See page 5 for the complete story.*

*On the cover: Ventana Place HOA Pacific Crest Landscape and Maintenance, winner of the Small Multi-Residential Maintenance Award at the 2019 Landscape Awards.*



## Wine Tasting and Buffet Lunch in Cask Room

Join your CLCA friends and family for a festive holiday luncheon and wine tasting at Testarossa Winery in Los Gatos. Enjoy the sights and smells of the cask room as we sample fine vintages and enjoy a buffet lunch.

The temperature inside the cask room is cool to accommodate the wine making process. Please bring a sweater or jacket so that you will be comfortable and can enjoy the event.

*Proof of vaccination is required for this event.*

Space is limited. There will be no walk in registration: only paid in advance reservations will be accepted.

### Cost

\$100.00 per person prepaid by check

\$105.00 per person if paid thru PayPal

### Reservations Due by November 19, 2021

RSVP by November 19 to (send checks to):

Lesley Peters

185 Del Monte Avenue, Los Altos, CA 94022

650-444-4580

Or register online at [www.clcasfba.org](http://www.clcasfba.org).

### Directions

Once on College Avenue: Follow signs to "Novitiate Historic Winery." While traveling on College Avenue please respect speed limits as this is a residential street with pedestrian traffic. At the top of College Avenue, enter the gates of the Novitiate Historic Winery marked by two large stone pillars. Tasting Room is just up the hill.

**NOTE:** There are steps from the parking lot up to the winery entrance. Handicapped parking is available to avoid the steps. Follow the signs in the parking lot to the handicapped parking.

# HOLIDAY CLCA San Francisco Bay Area Chapter LUNCHEON

Sunday, December 5, 2021

Testarossa Winery • 12:00-3:00 pm

300 College Avenue • Los Gatos, Ca. 95030

Winery: 408.354.6150 • [www.testarossa.com](http://www.testarossa.com)

Please make check payable to **CLCA SFBA Chapter**

Mail form and check to arrive by November 19 to: Lesley Peters, 185 Del Monte Avenue, Los Altos, Ca. 94022, or register online at [www.clcasfba.org](http://www.clcasfba.org)

Additional information: 650-444-4580.

Name \_\_\_\_\_

Company \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Guests' Names \_\_\_\_\_

### Reservations

\_\_\_\_\_ Number of Adult Guests  
@ \$100 each =  
\$\_\_\_\_\_ (if paying via  
credit card, you will be  
charged \$105 per person)

**Total Enclosed** \$ \_\_\_\_\_

**PROOF OF VACCINATION  
REQUIRED.**

Diamond and Platinum Partners receive a complimentary entry to the Holiday Party.

## A Message from the President



# CLCA Provides Many Unique Opportunities for Growth

KC Coverdell, Blue Sky Designs, Inc.

What a pleasure it was to see and interact with all who attended the Chapter Picnic last month. We had an incredible turn out, and the weather could not have been better at Cuesta Park. The food was fantastic, and the Horseshoe competition was fierce. Plus, it was nice to see some new faces--including one of our new members Mark Gardner with Gardners Landscape. Mark has been involved with our industry for a while now previously working with Boething Treeland Farms. He currently runs a company out of San Jose and looks forward to entering his projects for awards in the upcoming years. I highly encourage everyone to reach out and get to know him.

I'm so happy to see the chapter ramping up our in person activities again. The chapter picnic was the first in person event we have had in a year and a half. But now that the momentum is going, we're going big. I hope some of you will be participating in our golf tournament this month. And, the Auxiliary is hard at work planning the annual Christmas/Holiday Party in December. We will be at Testarosa Winery again this year. See the inside cover for more details. This is always a special time to get together with fellow chapter members to celebrate the holidays.

Attending these social events provides a perfect time to meet new members and reconnect with current members. Everyone in this association is a resource and wealth of knowledge. This is one of the most beneficial aspects of the CLCA, and I hope everyone takes advantage of it. Another great opportunity within the CLCA is to serve on the the chapter board of directors. The board is currently looking to fill multiple positions, and we need volunteers. Serving on the board has taught me so much about the association and has allowed me to form an even stronger bond with my current board members. It has also be a great learning experience and allowed me to hone my leadership skills. I highly recommend the experience to anyone in the association. If you are interested or have questions on how you can get involved, please reach out to me or any board member -- past or present -- to learn how being on the board helped them personally and professionally.

It's hard to believe this year is winding down. It has been a challenging year, but things seem to be moving in the right direction. Thank you to everyone for your continued support of the chapter.

## CLCA Priority Bills

By Megan Rios

### SB 410 (Leyva-D): Occupational safety and health: regulations

Exempts any occupational safety and health standard and order (CalOSHA regulations) from the standardized regulatory impact analysis (SRIA) required for major regulations by the Administrative Procedure Act (APA). Recommendation: Oppose

### AB 223 (Ward - D): Wildlife: dudleya: taking and possession

The bill currently sits in the Senate Appropriations "suspense" file. The purpose of AB 223 is to make it a misdemeanor to uproot, harvest or cut dudleya from state or local government property or from private property without permission and to sell, export, purchase dudleya that was taken illegally. Dudleya is a perennial California native succulent that has about 68 subspecies. Recommendation: CLCA Legislative Committee have a discussion on the pros and cons of weighing in on this measure.

### Labor Coalition Letter - Cal-OSHA COVID-19 Paid Sick Leave Extension

On March 19, 2021, Governor Newsom signed SB 95, granting two weeks of emergency paid sick leave for COVID-19 to workers of employers who have 26 or more employees through September 30, 2021. A broad coalition of labor groups have written the Governor and legislative leadership asking for immediate action to extend this paid sick leave. The letter did not say specifically, but the assumption is that the extension ask is through the end of 2021. The labor coalition is asking for this to be accomplished through a budget trailer bill.

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# Auxiliary Report



The end of the year is approaching at lightning speed. Halloween candy has been in the stores for weeks, and I saw Christmas decorations in August. The weather

has been unseasonably mild. What this means for winter, I'm not sure. I am looking forward to the end of another topsy-turvy year, still dominated by COVID-19.

The Chapter Picnic on September 12 was a family friendly event with lots of new faces. Thank you to the committee (Charlene and Leo Ott, KC and Leeanna Coverdell, Alice Domine, Michelle Ott, Cindy Singleton, Vicky Parrott, Rick Camin and Girvin Peters) for putting on a terrific event. Thank you also to everyone who chipped in to serve, carry ice, clean up and generally help out. I was a bit rusty on the details of the picnic and it wouldn't have happened with-

out the help of many people, so I'm sending out a big THANK YOU to all!

Our last Auxiliary meeting of 2021 will be a luncheon meeting, starting at noon on Monday, October 25, at Celia's Mexican Restaurant in Menlo Park. Watch your email inbox for the Constant Contact invitation with all of the details. We will have a lot to discuss as we finalize plans for the Christmas/Holiday party, present a slate of officers for 2022 and start discussing events for 2022. I hope you will join us and bring a prospective new member with you.

The Chapter Christmas/Holiday Party will be Sunday, December 5, from noon to 3 p.m. at Testarossa Winery in Los Gatos. Proof of vaccination will be required at this adult event. A Constant Contact invitation will be going out this month. So watch for further information and updates.

Have a great October and a great fall. Happy Halloween!

Lesley Peters, Garden Designer  
650-444-4580 | gpland@sbcglobal.net

# SFBA Chapter Scholarship Funds

Balances for the SFBA Chapter scholarship funds through the Landscape Educational Advancement Foundation (LEAF):

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
<b>Total</b>	<b>\$175,733.32</b>

Send a check payable to "LEAF" to: CLCA, 1491 River Park Dr., #100, Sacramento, CA

# Friends and Food Are Highlights of Chapter Picnic

Thank you to the 50 people who came to the 2021 SFBA Chapter Picnic on Sunday, September 12 at Cuesta Park. The weather was hot but the redwood trees bordering the picnic area provided wonderful shade. Food was in abundance and friends were everywhere! It was great to see everyone.

The horseshoe tournament started off with a bang, with the oyster in the first round of the 4-time winning team of Kurt and Brian Domine! The tournament came to an end at 3 p.m., and the winners were announced. Drum roll, please ... Jonathan and Ed Ott were this year's winners of the horseshoe tournament! Evan and Dennis Bayless finished second. Congratulations to Ed and Jonathan.

Thank you to the many people who helped make the picnic a success, including Charlene and Leo Ott, KC and Leeanna Coverdell, Alice Domine, Michelle Ott, Cindy Singletary, Vicky Parrott, Rick Camin and Girvin and Lesley Peters. Thank you to everyone who supported the event, our chapter's first in-person event since the COVID-19 pandemic. If you weren't there, we missed you, and you missed out on a fantastic day of food, friends, and fun times. I hope you will join us next year as we continue to make changes to this long-standing family friendly event. Maybe you'll get your name on the horseshoe tournament trophy!

Thank you to everyone who came out and supported the event.



## 2021 SF Bay Area Chapter Contacts

### CHAIRMAN OF THE BOARD

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

### PRESIDENT

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

### VICE PRESIDENT / MEMBERSHIP CHAIR

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

### TREASURER

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

### SECRETARY

BETH VALDEZ  
Davey Tree Expert Company Inc.  
Beth.Valdez@davey.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](mailto: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](mailto: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.

# Essential EPLI Components

*Steven Cesare, Ph.D., The Harvest Group, [harvestlandscapeconsulting.com](http://harvestlandscapeconsulting.com)*

A business owner from Arizona called to talk about his Company's policies, procedures, and employee handbook. His underlying intent was to simplify internal operations, align systems with results, and minimize legal exposure. As the memorable conversation continued, his concern for increased defensibility against disgruntled employees, avaricious lawyers, and intrusive government auditors became increasingly salient.

I broached Employment Practices Liability Insurance (EPLI) to him. Unaware of its utility, I rhetorically asked him if he would feel comfortable with a fleet of 35 Company vehicles without any vehicle insurance. In response to his reflexive laughter, I then non-rhetorically asked, "Do you feel comfortable with a workforce of 85 employees, without any insurance coverage? What's more dynamic, risk-laden, and financially-threatening to your Company, vehicles or employees?" He stopped laughing.

I suggested he contact his insurance broker to solicit multiple EPLI proposals predicated on the best fit for his Company. Additionally, the business owner should require the benefits broker to only consider policy submittals that contain noteworthy components that extend value to the Company, though not always stipulated by the insurance companies. Since the business owner pays the benefits broker, the business owner should request that the benefits broker review all the policy submittals within the context of the business owner's Company needs and make appropriate recommendations for adoption.

The standard topics that should be included in an effective EPLI policy include:

- **Definition of Insured:** The policy should broadly define those people being "insured" (i.e., covered) to include directors, officers, employees (e.g., full-time, part-time, seasonal), and independent contractors.
- **Definition of Claim:** The policy should broadly define a "claim" to include written demands for monetary damage, as well as criminal, civil, administrative, and regulatory proceedings, investigations, and arbitrations.
- **Definition of Loss:** The policy should broadly define a "loss" to include damages, settlements and judgments, defense costs, front and back pay, and punitive damages (with most favorable venue wording).
- **Definition of Wrongful Employment Practice:** The policy should broadly define a "wrongful employment practice" to include wrongful termination, sexual harassment or other unlawful harassment, violation of federal, state, local or common laws concerning employment discrimination, employment related misrepresentation, wage and hour, wrongful deprivation of career opportunities, negligent evaluation of employees, failure to adopt adequate employment policies, defamation, and retaliation.
- **Prior Acts Exclusion:** The policy should not exclude any acts that occurred before the policy's adoption date.
- **Multiple Agency Claims:** The policy should cover claims filed by individuals as well as claims filed by agencies (e.g., EEOC, DOL, state agencies) on behalf of individuals; this is critical given the lack of that detail cost Cracker Barrel Inc. \$2,700,000.
- **Emotional Distress and Mental Anguish:** The policy should have emotional distress and mental anguish carved out of the bodily injury exclusion since they are commonly alleged in employment practices lawsuits.
- **Retaliation Carve Outs:** The policy should have carve-outs for certain exclusions (e.g., ERISA, COBRA, FLSA, OSHA, NLRA) related to retaliatory claims.
- **Contract Exclusion:** The policy should contain wording in the contract exclusion that provides the exclusion would not apply if and to the extent that liability would have attached in the absence of such a contract.

# Partners for Success

By Marin Vallalpando

## Thank You for Your Continued Support

Thank you to all the companies who have stepped up this year 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.clcasfba.org/whoweare/#Partners](http://www.clcasfba.org/whoweare/#Partners) or contact me, Marin Vallalpando at 408.586.9292 or email [marin@zankerrecycling.com](mailto: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.

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