

Bay Breeze

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On the cover: The Woodside Wonder by Frank & Grossman Landscape Contractors, winner of the Stewart J. Sperber Memorial Sweepstakes Award at the 2021 Trophy Awards.

Smart Controller Seminar

The chapter hosted a Smart Controller Seminar on January 13 at Michael's at Shoreline.

Thank you to Rain Bird, Hunter and Hydro-Point. All 3 manufacturers stepped up with good information and financial support. The event provided great networking opportunities, food and fun. Everyone walked away with a little more understanding of Smart Controller Technology.



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From the President

Kicking off the New Year with Education and Fun

Juan Carlos Esparza, *Urban Scapes*

First and foremost, I'd like to extend my thank you to all who helped make the Smart Irrigation Controllor Seminar a success. Thank you to the presenters for taking time to educate us on new and updated smart irrigation technologies and innovations as we continue to manage our landscapes with drought restrictions. This type of educational seminar makes membership in this organization all the more worthwhile. Stay tuned for other opportunities as the year progresses.

Speaking of restrictions... are you aware that CAL Water recently announced a series of updated prohibited uses of water? Some of these restrictions require use of smart irrigation technologies.

I would like to personally invite you to join us for our kick-off event at Campo di Bocce in Los Gatos during the evening of



February 17. This event is a great time to greet and network with CLCA colleagues. For the sake of our safety, refreshments/dining will be outdoors. I look forward to seeing you and enjoying an evening of some great Bocce tournaments.

I also want to extend my best healthful wishes to all the CLCA families as we continue to battle with new variants of COVID. We all know a family member, relative, employee or neighbor that has tested positive... so let's all stay safe!

It's never too early to start thinking about which of your stunning projects you would like to enter and showcase at the SFBA chapter awards ceremony in June. It will be my first time entering the competition, and I've very excited. Watch for more information and entry forms coming soon.

SFBA Chapter Scholarship Funds

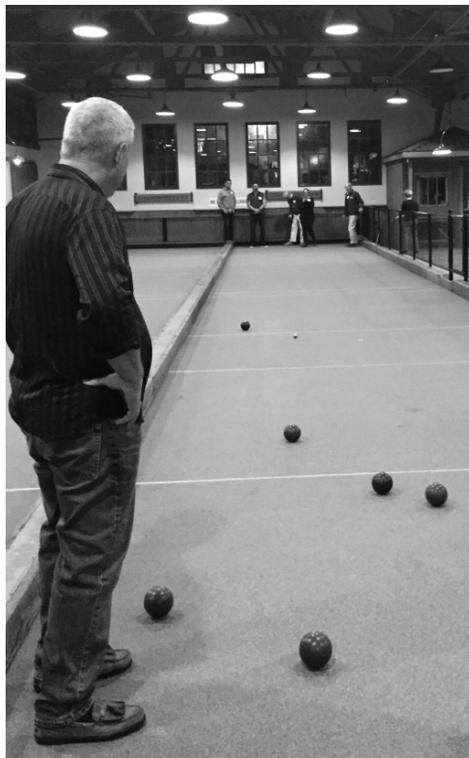
Balances for the SFBA Chapter scholarship funds through the Landscape Educational Advancement Foundation (LEAF):

SFBA Chapter	\$10,539.25
John & Mary Lyngso Fund	\$15,832.15
Herbert Frank Memorial	\$16,481.83
Hans Biland Memorial	\$12,195.88
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	\$16,963.56
Edron Schneider Memorial	\$11,574.81
Dr. Barry Cohen PhD Honorarium	\$ 9,915.08
Tanouye Memorial	\$ 5,250.82
Steve Whitehill Memorial	\$ 7,433.50
John Gachina Memorial	\$14,335.00
Mas Tsuda Memorial	\$7,018.98
Candy Fiske Honorarium	\$7,125.12
Total	\$184,703.08

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

Thursday, February 17

Food, Fun, Friends. Kickoff Event at Campo di Bocce



Kick off the CLCA SFBA year on Thursday, February 17 from 6 to 8:30 p.m. with a fun event that offers plenty of good opportunities to connect with fellow chapter members. Enjoy appetizers, salad, pasta, and pizza while we play. We'll have some awesome raffle prizes and awards for a little bocce tournament - and maybe some other fun surprises! Join us for bocce (it is so fun and easy to play), hang out with old friends, make new ones, and eat good food. Come out of the February cold and make some heat by kicking off the year with the CLCA SFBA community at Campo Di Bocce. It will be a fun time! Cost: \$48.00 per person.



Where

Campo Di Bocce
565 University Ave., Los Gatos
408.395.7650

Info and RSVP

Watch your email for more information and to register online. Or contact Beth Valdez at beth.valdez@davey.com.

Auxiliary Report



Happy February! What happened to January? It was gone before I had time to blink.

We had a wonderful Auxiliary meeting on January 20 at our house in Los Altos. We had seven people in attendance, five people in-person and two people on Zoom. Thank you everyone who attended (Charlene Ott, Alice Domine, Mike Hertzler, Girvin Peters, Mary Cohen and Vicky Parrott). Thank you Alice and Mike for bringing snacks, which wound up being part of our dinner! We reviewed the chapter event calendar, brainstormed potential new ideas for the Christmas/Holiday Party and generally got caught up on life events. Thank you Mike for joining us. It was great to see you back in CLCA and the Auxiliary specifically.

Planning events is a challenge during these times of COVID, and being flexible is a must. Our Auxiliary members play a vital role in the planning and functioning of the chapter. Of course, the first part of functioning is FUN and we do like to have fun! The Auxiliary's goals are simple: promoting education and friendship and supporting CLCA at both the state and local level. Our membership numbers are down from 10 years ago, and I would love to see our membership grow this year. We welcome any and all who wish to become a member (use the application at right). I encourage everyone to find out more about the Auxiliary and how you can participate in 2022.

Did any of the above sound familiar? I wrote the same thing in 2019! I wish I could say we made advances in three years. Unfortunately COVID put many obstacles in our way. I hope you will join me in a post-COVID renewal of the Auxiliary. I'm excited for the year and appreciate everyone's continued support.

I hope the new season will be bringing positive energy and good things to you, your family and business.

Lesley Peters, gpland@sbcglobal.net

An Open Invitation to All CLCA Members from the Auxiliary

On behalf of the San Francisco Bay Area Chapter of the Auxiliary, I would like to extend an invitation to you to become a member. Established in the early 1950's, the CLCA Auxiliary was formed as an assistance and support group to CLCA, but we are also equally interested in and involved in the future of the Green Industry.

Known as the Auxiliary since 2013, we lend a helping hand when needed throughout the year, whether in the form of organizing functions, providing refreshments during specific activities or just being there when the Association needs us. The Auxiliary, in it's continued dedication to the future of CLCA and the Landscape Industry, spearheads fundraising efforts for the Landscape Educational Advancement Foundation (LEAF). The Auxiliary established LEAF to generate, invest and award scholarships to Horticulture students throughout California. The Auxiliary meets three times per year (January, May and October) to work out the details of specific Chapter activities, along with several other fun events throughout the year. All representatives of CLCA members (regular, associate or affiliate) are eligible to be members of the Auxiliary.

We welcome your participation on whatever level of interest you may have and wish to share. Our dues are \$25 per year. \$20 goes to the State Auxiliary (\$15 to the General Fund and \$5 to the LEAF Auxiliary Fund), and \$5 stays with our local chapter General Fund. If you are interested in joining our diverse group, please fill out the form below and return it to me with a check for \$25, payable to CLCA SFBA Chapter Auxiliary. If you have any questions, don't hesitate to contact me.

Lesley Peters
Garden Designer, Girvin Peters Landscape
185 Del Monte Avenue, Los Altos, CA 94022
650-941-4093 • gpland@sbcglobal.net

Auxiliary Application

Name: _____

Spouse/Significant other's name: _____

Company Affiliation: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Email address: _____

Birthday (Month/Day): _____

Would you like to receive the Bay Breeze at home? _____ Yes _____ No

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

As it relates to CSLB, this bill increases existing as well as adds new licensing and application maintenance and service fees for support of CSLB effective January 1, 2022.

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 for all three bonds.

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.



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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.

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

Steven Cesare, Ph.D., steve@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 subtleties, 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.

Partners for Success

By Marin Vallalpando

Thank You for Your Continued Support

Thank you to all the companies who stepped up in 2021 to support the CLCA San Francisco Bay Area Chapter. Your generous support went 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 in 2022 by becoming a partner, please look over the Partners information on page 6 of this issue or contact me, Marin Vallalpando at 408.586.9292 or email marin@zankerrecycling.com.

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