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slo X PRESS



San Luis Obispo Chapter
California Landscape Contractors Association
Representing the Landscaping & Irrigation Industry

20th Annual CLCA-SLO Benefit Golf Tournament!

Friday, October 8, 2021

Join us at Monarch Dunes Golf Course, 1606 Trilogy Parkway in Nipomo. All friends, family, associates, students, and CLCA members are welcome to participate in this 20th annual event. If you do not golf, please consider sponsoring the event or joining us for dinner and awards.

Proceeds to benefit Cal Poly Landscape Industry and Turf Student Scholarships† and the CLCA San Luis Obispo Chapter.

FRIDAY, OCTOBER 8, 2021

- Check in: 10:30 AM – 11:30 AM
- Shotgun Start: 12:00 Noon
- Dinner/Awards Banquet: 6:30 PM

REGISTER ONLINE

Register ONLINE at clcaslo.org, or watch email for registration link.

LOCATION

Monarch Dunes Golf Course
1606 Trilogy Parkway
Nipomo, CA
<http://www.monarchdunes.com>
(805) 343-9459

INFORMATION

Brandon West, 805-975-4761
805west1@gmail.com

†Students must be currently enrolled full-time students at Cal Poly in the Landscape or Turf concentration and a current Student Member of CLCA.

FEES*

- Registration fees go up September 21.
- Single Player \$170*
 - 4-some..... \$600*
 - 4-some & Hole Sponsor \$750*
 - Dinner ONLY..... \$60
 - Mulligan & Raffle Package..... \$25 (pre-paid/player), package includes 2 Mulligans & 15 raffle tickets for HOT prizes!

PLEASE NOTE

Registrations received after September 21, fees are as follows*:

- Single Player \$200
- 4-some..... \$700

*All fees include: Green Fee, Cart, Box Lunch, and Santa Maria-Style BBQ Buffet (entrées of citrusbroiled chicken and roasted Tri-Tip).

CORPORATE SPONSORSHIPS

- Sponsors will be acknowledged at the Tournament. Commitments must be received by September 21.
- Investor (includes a 4-some).... \$1,000
 - Donor (includes single player)..... \$500
 - Hole Sponsor - Bronze (includes sign)..... \$150
 - Holes Sponsor - Silver (includes sign, booth)..... \$250
 - Hole Sponsor - Gold (includes sign, booth, premium hole sponsor, ie: longest drive) \$350

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- Raising Your Landscape Business Like a Child
- CLCA Annual Convention Heads to Maui

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2014-15 Mike Kneeskern SiteOne LS Supply	2009-10 Erik Wolting All Seasons Gardening & Landscaping	2004 John Doyle J Doyle Landscaping	1996-98 Lloyd Gracey Pacific Coast Landscapes	1993 John Ruggiero Arcadian Gardens
2012-13 David Brown Mari Landscaping	2007-08 Jim Trask California Water Shapes	2002-03 Pat Connelly St. Francis Landscape	1995 Danté D'Alfonso D'Alfonso's Landscape	1991-92 Bruce Courter Day Star Enterprises



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Essential EPLI Components

Steven Cesare, Ph.D. The Harvest Group, Landscape Business Consulting | harvestlandscapeconsulting.com

A business owner from Arizona called me the other day 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.

Characteristically, 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 business owner is paying the benefits broker, right? Funny how that customer service thing gets conveniently inverted.

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

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.

Water Management Certification

Becoming a Certified Water Manager is essential for your business. As a Certified Water Manager you will be able to reduce water waste and water bills and save money. Through efficient, proven industry methods of water management, water managers are able to save significant amounts of water and money. For info visit clca.org/water-pro//index.php

SLO Chapter Events

October 8 - Golf Tournament

12 Noon. CLCA SLO Chapter Golf Tournament.
Monarch Dunes Golf Course, 1606 Trilogy Parkway,
Nipomo. Brandon West, 805-975-4761 or 805west1@
gmail.com.

October 21 - Board Meeting

5 PM. Location TBA.

November

Chapter Community Service Project. Date and time
TBA. San Luis Botanical Gardens

December

LandPAC Fundraising Wine Tasting Event. Date and
time TBA.

December - Board Meeting

San Luis Botanical Garden. Date and time TBA.

CLCA Priority Bills

By Megan Rios, CLCA State President-Elect

CLCA's Legislative Committee is following a number of bills that could affect your business. Here are the top bills we are following at present.

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 2

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

The bill currently sits in the Senate Appropriations "suspense" file. The purpose of this 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 with employers who have 26 or more employees through September 30, 2021. A broad coalition of labor groups have recently 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. There is a Cal-Chamber led coalition letter being prepared responding to this. Does CLCA want to weigh in?

Bills on the Governor's Desk

September 10th is the last day for the Legislature to pass any bills to the Governor this year. The Governor has until Midnight on Sunday October 10th to sign or veto any legislation on his desk.

Visit the CLCA website at www.clca.org for more information on these bills and a complete list of bills that CLCA is following.



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Tips and Tricks

Raising Your Landscape Business Like a Child

From ewingirrigation.com. Blog post June 10, 2021

If you're like most business owners, you aspire to have the freedom that comes from owning your own business, which includes:

- The freedom to decide how you spend your time
- The freedom to choose whom to work with and to avoid people who drain you
- The freedom to make as much money as you deserve

This desire for freedom often leads owners to aspire for a bigger business, which they think will give them what they want. Unfortunately, most owners who strive for more revenue or profit as their primary goal often face the following issues:

- Less time because it's spent managing an ever-expanding set of offerings
- Less freedom because complexity leads to conflict
- Less money because any available cash is reinvested in growth

In many ways, growing a larger business gets you further from your ultimate goal of freedom.

Instead of thinking of your landscape business as something to push harder and faster, there's an alternative that may get you closer to what you want. Think of your business as a child, and your role is to guide her into becoming an independent adult.

By focusing on the role of parent rather than business driver, the demands on your time lessen as your employees pick up more of the load. You may also find your business selling more as you build a team of salespeople rather than relying only on yourself to drive the top line. The irony is that your business may end up being more valuable than a larger peer where the owner is still mostly responsible for sales.

Acquirers want businesses that will survive the loss of their owner. In many cases, they will pay a premium for companies where the owner is in the background. Growing revenue and profits will be valuable to an acquirer, but if you make these variables your only goal, you may find yourself with less of what you want. Treat your business like a child who needs guidance to become a thriving adult, and the result will be revenue, profits and ultimately greater business value.

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Sponsor Spotlight: SiteOne Landscape Supply



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SiteOne University is proud to offer green industry professionals access to substantive training and informational seminars that will add directly to your bottom line. Attending a seminar series will help professionals understand emerging trends, as well as new methods of managing their core business.

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