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

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The welcome reception got everyone in the Aloha Spirit for the coming week.



Evan Moffitt and Aaron Huxley represented the CLCA SLO chapter at the annual convention.



CLCA Annual Convention in November



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Legislative Update

By Megan Rios, CLCA President-elect

In June 2021, the CLCA Legislative Committee voted to "sign on" to a Chamber of Commerce led coalition asking the Governor and Legislature to allocate \$1 billion of the 2021 budget surplus to pay down the \$24 billion in Unemployment Insurance (UI) fund deficit in California. That effort this year was not successful, and no funds were budgeted towards repaying the \$24 billion borrowed to pay benefits during the COVID lockdown.

If the UI fund remains insolvent in January of 2022 (which it will), payroll taxes will be increased on all California employers (currently paying \$42/employee/year) in 2023. They will increase steadily for each year by \$21/employee/year up to a maximum of \$420/employee/year until all \$24 billion dollars borrowed by the state is repaid to the Federal UI fund. The Great Recession's \$11 billion UI fund insolvency (2008) took California about 8 years to repay, so we can anticipate a longer duration to repay this \$24 billion insolvency.

The Chamber is making another budget push for 2022 and is soliciting coalition members from large and small employers around the state to join in and help to pressure the Governor and the Legislature to appropriate funds to help pay down the deficit so the entire burden does not fall on California employers.

As the committee approved this position for 2021 and it is a two-year legislative session, CLCA will continue to participate in the Chamber led coalition to get funds appropriated in the 2022 budget to pay down the UI deficit.

Small Off-Road Engines (SORE) Regulatory Update

Governor Newsom signed AB 1346 and newspapers around the state and country reported that California had "outlawed" the availability of gasoline powered landscape equipment starting model year 2024. The headlines were misleading.

In previous CLCA briefings, it has been shared that the California Air Resources Board (CARB) would be undertaking rulemaking for SORES (Small Off-Road Engines) with the aim of having a draft rule in the Fall to put before the Air Resources Board at their December meeting. The CARB rulemaking was going to happen REGARDLESS of the outcome of AB 1346.

On October 12, 2021, CARB released its proposed

regulations for SORE and set a public hearing date for Thursday, December 9, in Sacramento. It is not yet known if this public hearing will be held in person or virtually.

CLCA's Executive Director Sandra Girarde reviewed the main provisions of the draft rule put forward by CARB staff. CLCA is coordinating an industry response with NALP (National Association of Landscape Professionals) and has already engaged directly with CARB staff the week of October 11. Follow up meetings with CARB regulators are being scheduled for further discussion over the regulatory package including how the landscape industry uses this equipment, what they have experienced with electric powered equipment, and how it falls short of the daily needs of landscape professionals.

Sandra shared that the webinar was recorded and will be posted on the website.

Committee members urged staff to continue to update membership as to what is happening and to share data with the CLCA membership committee so they can market as well.

CSLB Update

CSLB staff have invited CLCA to participate in group meetings as they explore their idea to put forward a legislative proposal to amend Business and Professions Code sections 7150 - 7170, the "Home Improvement Business" article of the Contractors State License Law. This section also covers the contents that are in the residential home improvement contract requirements. CLCA construction law attorney, Bill Porter, will be participating in the first meeting as it conflicts with the upcoming CLCA Convention. Sandra plans to participate in future meetings and providing updates.



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That's Why It's the First Question

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

A business owner from Colorado called to talk about his Company's performance appraisal process. This business owner had done an absolutely great job setting the stage for the actual performance appraisals. He established empirical goals for each of the four Balanced Scorecard quadrants, conducted a strategic planning session to ensure open communication and clear alignment with the relevant Department Managers, developed key initiatives to guide the Managers toward achieving their respective goals, provided monthly financial review meetings as the forum to share ongoing results with the Managers, scheduled monthly one-on-one meetings with each Manager to help them stay focused, and of course, shared the job description and performance appraisal form with each Manager.

Before I had a chance to lay the foundation for our telephone meeting, the adept business owner correctly anticipated my second question by immediately sharing a summary of each Manager's strengths, weaknesses, and overall performance appraisal ratings to me. His summaries were very well done: behaviorally-based, nicely-documented, and strategically prescriptive as evidenced by an action plan that he had compiled for each Manager.

With that much investment, detail, and planning, it was not hard to believe that his Managers received numerous performance ratings of "4" (i.e., Exceeds Expectations) and "5" (i.e., Role Model) on their actual performance appraisal forms.

By the time an opportune break in the conversation presented itself, I finally got a chance to ask the question that is always asked first to a business owner as he/she begins the performance appraisal process: "Did your company achieve all of its business

goals during the last year?"

"No" was his response. In actuality, the Company underperformed during the previous fiscal year, losing more than \$250,000, with similar substandard performance in other goal quadrants. I asked how could his Managers have performed so admirably well as illustrated by their glowing performance ratings, while his Company failed to meet its business goals as validated by the Company's Balanced Scorecard results. "They tried really hard," was the response.

With all honesty, I am sure they did. But they obviously did not try hard enough on those key behaviors that were supposed to achieve the business goals. The disconnect between individual ratings and organizational results was too immense to ignore. After explaining the essence of performance appraisals to the business owner, we agreed that he would re-evaluate his Managers within the context of their Departmental results.

Not surprisingly, most of the Managers received a rating of "2" (i.e., Below Expectations) on their revised performance appraisal forms. This revision fundamentally saved the integrity of the Company's performance appraisal system. With all the impressive pre-work he had completed, the capstone did not validate his effort.

Looking forward, the business owner and I agreed that all future monthly one-on-one Manager meetings would more closely examine year-to-date Departmental results, evaluate the current efficacy of the key initiatives each Manager is supposed to demonstrate, and provide ongoing development feedback (i.e., action plan) focused on future goal achievement; a direct parallel to the standard performance appraisal meeting framework.

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CARB Considers Rule to Promote Use of Zero-emission Equipment

Q. What are the highlights of the California Air Resources Board's proposed rule?

- No gas-powered landscape equipment to be sold in California starting model year 2024
- Generators to be electric only by 2028
- Rule also applies to pumps, pressure washers, golf carts and other equipment under 25hp

Q. Didn't Assembly Bill 1346 put this proposed ban in place?

It did not. AB 1346 directed the California Air Resources Board to engage in rulemaking to phase out gas-powered small off-road engines no earlier than 2024 or whenever was feasible. CARB had been working on a proposed rule for the last few years.

Q. What about my existing gas-powered equipment? Can I still use it?

The proposed rule does not ban use of existing gas-powered equipment. You can continue to use existing gas-powered equipment but under the proposed rule, no new gas powered equipment can be sold starting with model year 2024.

Q. How can I share my concerns about this proposed rule?

Please send in your comments to the California Air Resources Board. Each one is read and provided to the members of the board who will be voting on this proposed rule. Submit your comment here by November 29.

Q. Heard there is \$30 million to help with the transition to battery powered equipment. Will that be enough to help incentivize transition to

electric equipment?

The Legislature set aside up to \$30 million to help cover costs of transitioning to new electric equipment, but it is nowhere near enough. According to CARB, there are nearly 2 million pieces of gas-powered equipment used by professionals and with \$30 million set aside, that equals \$15 per piece of equipment. It is important to note that no formalized incentive or rebate program from CARB has been put forward.

Q. How much of this equipment is used by professionals (landscapers, grounds maintenance crews and the like) vs. residential users?

Per the data from CARB, 85 percent of this equipment in California is owned by residential users. Professional users account for only 15 percent.

Q. Does CLCA support electric equipment use?

We sure do! However, in talking with our landscape maintenance members, they report that most of the zero emission equipment is not yet ready to handle the workload of a full workday. Battery life is woefully short, meaning each piece of equipment would need four or more extra batteries to get through a full workday. Our members also report issues with availability of extra batteries and lack of sufficient resources to repair zero emission equipment. Zero emission technology is improving but it's not there yet.

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St. Francis Landscape

St. Francis Landscape & Gardening is an award-winning, local San Luis Obispo

landscape construction and maintenance business founded by Pat Connelly in 1979. Pat studied plant science and landscape design at Cal Poly, and later earned his contractor license. He established St. Francis Landscape to offer people quality care for their home or commercial landscape with an emphasis on customer service.

After 40 years in business St. Francis Landscape is still known for providing a personal touch and high-quality work. Pat continues to be with all landscape and maintenance accounts, ensuring the same high quality workmanship for which the company is known. His landscape installations have won several landscape awards. St. Francis Landscape also specializes in the design of water conserving landscapes.

St. Francis Landscape is a long time member of the CLCA, and Pat has served on the CLCA SLO Chapter

board of directors as chapter president, treasurer and board member.

Purlieu Landscape

Purlieu Landscape is an award winning landscape design and build company that builds relationships with its clients through a unique creative process that involves the client throughout the entire development of the landscape.

In keeping with the need to conserve water in the



landscape, Purlieu Landscape designs and builds edible and ornamental landscapes without putting additional strain on any site's potable water system. They assess, design and install rainwater harvesting systems that meet or exceed the landscape's annual water use. This process eliminates the need for potable water and helps sustain a healthy garden for years to come.

Purlieu Landscape aims to set the standard for innovative design, quality installation, proper management and customer service; whether it's a commercial parking lot, small residential backyard, or large estate, each outdoor living space has an opportunity to be special and help create memories.

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Madrone Landscape

Madrone Landscapes strives to design projects that create a unique experience, reflect a connection with the natural environment, and foster a relationship that goes beyond basic design practice alone. The feeling of being immersed in a Madrone design is unlike any other because the designers deeply explore how design decisions will affect the user experience.

Madrone's Construction Division employs multiple project managers who are able to take on projects large and small, with over 100 years of experience combined. They employ specialists in masonry, carpentry, irrigation, grading, planting, and drainage available to tackle any challenge, and utilize a network of subcontractors. Madrone has multiple heavy-duty trucks, tractors, trenchers, power tools, and specialty equipment to get work done effectively. Construction projects are scheduled months into the future ensuring that when a project is started, it is well planned and will be finished quickly and professionally. Construction services are available for residential, commercial, and municipal work for general contractors, businesses, agencies, and the public.

Many projects are achieved through a Design / Build process. After the Design Process is complete, the design team continues to work hand in hand with the Construction Division to realize the vision, and share the insights gained through the design process.

The Maintenance Division at Madrone Landscapes focuses on building relationships with clients through good communication. The maintenance staff is trained to be detail oriented – focusing on plant health, aesthetics, and the effective use of water. Madrone offers weekly gardening services for residential clients and estate maintenance. They also offer high quality commercial, municipal, and HOA maintenance services in San Luis Obispo County.