FEBRUARY 2022

The Official Publication of the California Landscape Contractors Association San Diego Chapter

www.clcasandiego.org

and the

0115/001 P.O. Box 242 Beaumont, CA 92223 Cover Photo: Seahaus La Jolla HOA by 2021 multi award-winning contractor LaBahn's Landscaping.

Thank You to Our 2022 Sponsors! **Platinum Sponsors DEVIL MOUNTAIN** CLCA Insurance[®] Solutions License 0172723 **Gold Sponsors** RAIN BIRD SPRINKLER SUPPLY ASL Simplot nterprise SAN DIEGO AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS TURF & HORTICULTURE fleet management **Diamond Sponsors** Currier Sullivan & Mann Plant Brokering Services AGRISERVICE ality Plant Material zon Hunter[®] **FX**Luminaire. ROWER irrisation + outdoor living landscape • equipment **Contractor Sponsors** LandscapesUSA DAVEY apanns Proven Solutions for a Growing World NATURE DESIGNS LANDSCAPING **Benchmark** landscapes for life" H.A. Casillas Landscape STEVEN SMITH LANDSCAPE INC. Green Valley Landscape **BrightView** 60.745.8914 and Maintenance Inc. Landscape Services **Ruby Sponsors** ARBORJET. Ecologel TORO. Irritrol. UNIQUE ARGET PARTNERS IN PLANT CARE WEST COAST ROBAT San Diego County MN PINIT Water Authority AKROBATUSA.COM IN-GROUND TRAMPOLINES **Our Region's Trusted** Water Leader SAN PASQUAL VALLEY SOILS

President's Message



February is here and spring is around the corner. While cards of love and chocolates will fill mailboxes and waistlines this month, our minds will be filled with thoughts, dreams, and plans for our 2022 gardens. Unfortunately, an iconic member of our Southern California landscape won't be the center of the show as it has been for so many years. Farewell *canariensi*, our beloved Canary Date Palm. Its elegant fingers won't be seen reaching towards the sun on warm spring mornings for much longer. The palm associated with Southern California is nearly gone... disappearing at an alarming rate.

Approximately four years ago, the first whispers emerged regarding the South American Black Palm Weevil and its natural migration north. We were told about the pest and its capability to devastate our Canary Date Palm population, but I don't think we truly understood just how extensive or devastating this insect was going to be. No efforts were made to contain or quarantine this pest. We didn't see it as a threat that could completely wipe out an entire species of palm. Yet, that is exactly what appears to be happening now.

There is still hope of saving the species with preventative treatment, as long as it's done before infestation. It is the only effective means of control for the Palm Weevil. Once you begin to see the evidence of infestation, treatment is too late!

That's right, as frustrating as it is, this one must be treated like the flu. When treated before onset of any signs/symptoms, it is fairly successful. Personally, I have had 98% success with this method. I've also had a 100% failure rate with treatments post infection.

It is our responsibility to educate clients about the efficacy of treatments. As professionals we must also understand



the risk posed by leaving infected plant material in a landscape while we hope for a *long shot* treatment to have an impact.

Based on geographical location in San Diego County, here are my recommendations of treatment for Canary Date Palms:

North of the 56: Start treating your palms preventatively for Weevil today.

South of the 56: If you did not start treatments 12+ months ago, I caution beginning treatments at this time. There is a high likelihood of current infestation and efficacy of treatments will be compromised.

The weevil is a natural pest just doing what it does inherently. Unfortunately, it is affecting our landscapes. As we remove, treat, and replace our Canary Date Palms... what will their replacements look like? What will they bring to the landscape? Change is scary, but change is necessary. May our gardens evolve like our lives, more beautiful with every chapter.



CLCA's mission is to serve and protect the interests of its members, promote professionalism, and advance public awareness of the landscape industry. Learn more at www.clca.org

SAVE THE DATE 2022 Golf Tournament Friday, May 13

at Twin Oaks Golf Course 1425 N. Twin Oaks Valley Road, San Marcos



Watch your email for golfer and sponsor registration or check our chapter website: www.clcasandiego.org

San Diego Chapter Member Milestones

Congratulations to the following companies for reaching membership milestones this month.

22 Year Member AAA Ldscp Specialists

18 Year Members Viridian Landscape Waterscape Creations

15 Year Member RCP Block & Brick

14 Year Member Greenridge Landscaping **13 Year Member** Proscapes by RHC

9 Year Member Adv. Ldscp Management

7 Year Members Lux Design San Pasqual Valley Soils Taylor Jones Architects

6 Year Member Courtesy Chevrolet

II MOIIN' NHOLESALE NURSER' With over 1,400 acres of nursery stock, 16 locations statewide, and a robust plant brokerage service, Devil Mountain provides a single-source solution to landscape professionals. Customers can expect to find a wide range of plants and trees in sizes ranging from 4" containers to 120" boxes. ANNUALS, PERENNIALS, GRASSES, VINES, SHRUBS & TREES! **10 SOUTHERN** 1,400+ ACRES CALIFORNIA OF NURSERY FILLMORE LOCATIONS STOCK SUNI AND ANGELES ROSEMEAD REDONDO BEACH ORANCE DELIVERY WILL CALL AN JUAN CAPISTRAN SERVICE PICKUP FALLBROOM 200+ CARMEL VALLEY **EDUCATED &** NURSERY EXPERIENCED BROKERAGE SALES STAFF PARTNERS

www.devilmountainnursery.com

Northern CA: San Ramon I Petaluma I Clements I Morgan Hill I Farmington I La Selva Beach

Southern CA: Carmel Valley | Fallbrook | Fillmore | Oceanside | Orange | Redondo Beach | Rosemead | San Juan Capistrano | Sunland | Vista



Mark your calendar!

February 17

San Diego Chapter Kickoff. All welcome. Ballast Point Miramar: 9045 Carroll Way, San Diego.

March 3

Waterwise Botanicals Nursery Tour & Lunch.

All welcome. Register online at clcasandiego.org. Waterwise Botanicals Nursery: 32151 Old Huy 395, Bonsall.

March 8

San Diego Chapter General Meeting.

All welcome. This will be a virtual meeting. Email eyescapes@yahoo.com for the link to attend.

April 12

San Diego Chapter General Meeting.

All welcome. This will be a virtual meeting. Email eyescapes@yahoo.com for the link to attend.

May 13

San Diego Chapter Golf Tournament. *Twin Oaks: 1425 N. Twin Oaks Valley Road, San Marcos.*

June 6-10

San Diego Chapter Beautification Awards Judging.

June 14

San Diego Chapter General Meeting. All welcome. This will be a virtual meeting.

Email eyescapes@yahoo.com for the link to attend.

July 12

San Diego Chapter General Meeting.

All welcome. This will be a virtual meeting. Email eyescapes@yahoo.com for the link to attend.

David Diehl

Product Consultant Licensed P.C.A.

(909) 393-3744 OFFICE (909) 393-2773 FAX (714) 321-4359 MOBILE david@gropower.com



15065 TELEPHONE AVE • CHINO, CA 91710 www.gropower.com

2022 San Diego Chapter Board of Directors

President

Ian Campbell, Davey Tree (619) 572-2674 • ian.campbell@davey.com

Immediate Past President

Willie Valdez, Free Flow Products (760) 500-9863 • willie@freeflowproducts.com

Treasurer

Cecily Gordon, Nature Designs Landscaping (760) 224-7664 • cecilyg@naturedesigns.net

Secretary

Bronwyn Miller, Eyescapes (949) 466-1222 • bronwyn@eyescapes.net

Vice President Events

Janet Pozzuoli-Vallin, Belle Terre Landscapes (858) 487-8639 • BelleTerre01@gmail.com

Vice President Legislation

Mike Seymour, MSE Landscape Professionals (760) 743-4127 • mike@mselandscape.com

Vice President Resource Management

Danny Smith, Park West (949) 307-4026 • dsmith@parkwestinc.com

Associate Member Officer

Melissa Tetzlaff, LCIS, Inc. (858) 353-4991 • mtetzlaff@lcisinc.com

Education Chair

Not a voting position on the board. **Mike Madewell**, Hunter Industries (760) 583-4479 • michael.madewell@hunterindustries.com

www.clcasandiego.org (866) 699-2512

Masks May Be Going Away, But COVID Sick Pay is Coming Back!

By Giuliana Gabriel, JD, HR Compliance Director, CA Employers Association

Although infection rates are dropping and the state's mask requirement for fully vaccinated people in most indoor settings will lift on February 16 (per a California Department of Public Health order), employers aren't out of the woods yet with new COVID requirements.

If you are an employer with 26 or more employees, then get ready to comply with California's 2022 Supplemental Paid Sick Leave ("2022 SPSL") requirements, under SB 114. The law is effective on February 19, 2022 and retroactive.

Although "2022 SPSL" is similar to California's expired 2021 version (SB 95), there are some notable differences. CEA created a free Sample SPSL policy and SPSL request form, available on our COVID-19 Resources page at www.employers.org/pages/additional-resources/.

Find out more by reading some FAQs below.

What is SB 114's covered period?

January 1, 2022 through September 30, 2022. SPSL is effective on February 19 and creates a retroactive obligation for employers to pay for qualifying leaves starting January 1, 2022. The law remains in effect through September 30, 2022. However, if a covered employee is taking 2022 SPSL at the time of the expiration, they are permitted to finish their leave and take the full amount of SPSL (i.e., up to 80 hours).

What are the retroactive pay obligations?

If an employee took leave for one of the qualifying reasons, dating back to the first of the year or later, and that leave was either unpaid by the employer or not paid at the same level required by 2022 SPSL, the employer must make a "retroactive payment" to the employee *upon an oral or written request* for such payment. Retroactive payments are due on or before the payday for the *next full pay period* after the request was made.



Luckily, the law does **not** require the employer to initiate retroactive payment without a request from the employee. This means you don't need to start auditing all leaves taken from the beginning of the year. Phew!

How does 2022 SPSL interact with exclusion pay?

This is important—unlike the 2021 version—employers *cannot* require employees to first use and exhaust 2022 SPSL before paying exclusion pay required by Cal/OSHA's emergency temporary standard (ETS). This means the very first question an employer should ask before administering SPSL is whether the employee is required to be out isolating following a *work-related exposure*, which is when Cal/OSHA exclusion pay would apply in most circumstances.

Are there employer notice requirements?

Yes. Employers are required to post the California Labor Commissioner's **SPSL Notice** in a conspicuous place at the worksite. Once the Labor Commissioner publishes the notice, we will have it available on our COVID-19 Resources page. For employees who do not frequent the workplace, the employer may provide the notice through electronic means.

The law also requires employers to provide notice to employees of the amount of 2022 SPSL hours the employee has used through the pay period that it was due to be paid. If the employee hasn't used any 2022 SPSL, the employer must list "zero-hours used."

This information can be provided on the employee's pay stub or on another writing provided to the employee on the designated payday. SPSL hours must be a **separate line item** from the employee's regular paid sick leave hours listed. Be sure to work with your payroll provider to ensure compliance.

There is at least a tax credit, right?

Unfortunately, no. While this was a "selling point" by the governor and legislature, there is **not a direct tax credit** that reimburses employers for 2022 SPSL. Instead, the state is offering certain qualified businesses tax credits for general relief during this time. Be sure to consult your own accountant or tax advisor for more information.

Need assistance implementing and administering 2022 SPSL? We've got you covered. Members can access our COVID-19 Leaves of Absence Tool Kit for important information, steps, and sample forms! www.employers.org

Connect, Learn, & Grow with CLCA! Not a Member? Join at clca.org/join



WATERWISE BOTANICALS NURSERY TOUR Thursday, March 3, 10 a.m.



Plant aficionado Tom Jesch will lead a tour of the nursery and discuss new and unique plant material choices, detailing their care and maintenance. Learn about newer plant introductions for 2022, including landscape bromeliads, succulents, landscape grasses, and tillandsias. Tom will also provide design principles for landscaping with succulents. Don't miss this opportunity to learn from his 40+ years' experience in the Nursery and Green Industry! *Taco lunch will follow the tour.*

This event is FREE to attend thanks to our sponsors:





RSVP requested by Feb 28, 2022 to ensure we have enough food. Register at www.clcasandiego.org

Defend Plants Against Disease: Fire Blight









What is the Threat

Fire blight (Erwinia amylovora) is the most damaging bacterial disease, affecting trees and shrubs in the Rosaceae family during warm spring weather when rains or heavy dews are prominent. Sap containing the bacterium oozes from dead cankers during rainy spring weather and is blown to nearby trees or drips onto branches below. The sap is also attractive to bees that investigate and spread the disease to flowers.

Where is the Threat

Fire blight is most often found in pear, apple, peach, and crabapple trees in most geographical locations, but is more severe in areas where warm, damp spring weather favors the disease. Fire blight has become a nuisance to homeowners and commercial landscape managers.

Symptoms

Soon after flowering, the flowers and leaves begin to wilt and die. If the weather remains cool and wet for extended periods of time, the bacterium continues down the twig and into lateral branches, and is expressed as black cankers.

Rain and insects can further spread the bacterium to other flowers and shoots, often scattering symptoms throughout the canopy. If weather conditions are favorable for disease progression, the whole canopy can be affected with a burned appearance, explaining the term "fire blight."

When daily temperatures reach above 82°F consistently, the bacterium goes dormant. The cankers will become active the next season to continue the disease cycle.

What To Do About It

When the trees are dormant, prune out the dead wood. Apply a trunk injection of Arbor-OTC[®] systemic antibiotic in the spring, prior to flowering. Serious infections left unmanaged can lead to extensive canopy loss and disfigurement and eventually tree death. The addition of a soil surfactant such as NutriRoot[®] will encourage water to move deeper into the soil and increase moisture availability to the tree over time.

There are many things affecting the health of our trees, especially in our urban and suburban forests. Often by treating underlying symptoms, like root loss or drought stress, or treating preventively when invasive pest pressure is near, we can protect our trees for generations to come. Learn more about plant diseases at www.arborjet.com/problems_solutions_ category/diseases/

Photos

Top: Branch of a crabapple tree showing fire blight symptoms. *Photo taken by: William Jacobi, Colorado State University, Bugwood.org*

Middle: Pear orchard infected with fire blight. Photo taken by: P.G. Psallidas, Benaki Institute, Athens, Bugwood.org.

Bottom: Flowers infected with fire blight. *Photo taken by Arborjet, Inc.*

The Offshoot is the official publication of the San Diego Chapter of CLCA. Opinions expressed within the context of this publication are not necessarily those of the CLCA or its members. The Offshoot is designed and printed by Eyescapes, P.O. Box 242, Beaumont, CA 92223. Email: Bronwyn@eyescapes.net, phone: (949) 466-1222.

New HSBE Fittings Offer Better Durability and Easier Installation

The weight of pedestrian traffic and lawn equipment can cause damage to underground piping. Newly redesigned Hunter Spiral Barb Elbows (HSBE) add durability to pipe connection points to prevent leaks and breakage.

"Our new HSBE fittings are bigger and beefier for increased strength," said Steve Hoveln, Product Manager at Hunter Industries. "They also sport a new barb design that makes installation so easy, you don't even need tools!"

Bigger barbs, better design

HSBE fittings feature an innovative spiral-to-sealing barb design that makes them stronger and easier to install in any setting. A unique spiral barb expands into a single, sealing barb that creates a leak-free connection, even at high operating pressures.

Robust design for long-lasting reliability

• Acetal material produces sharp barbs that grip the tubing better.

- Designed to withstand pressures up to 80 PSI without leaks or breaks.
- Compatible with Hunter FlexSG Tubing and other brands for a customized swing joint no tools req'd.

HSBE fittings are especially effective when used with Hunter FlexSG Tubing to install around hardscaping, utility boxes, or water meters.

Learn more at https://www.hunterindustries.com

2022 Beautification Awards planning is underway! Start thinking now about which projects you will enter.

Judging will be June 6-10, 2022. Winners will be announced in September at an awards banquet.

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

westcoastturf.com 888/893-8873 Ask us about other water saving turfgrasses, too!

EST COAST



Find civilized solutions

Up against a challenge? Whether you have a contract dispute or other questions, CLCA's Attorney on Retainer can give you answers and advice on your next move.



Commission vs. Bonus By Steven Cesare, Ph.D., The Harvest Group

A business owner from Massachusetts called me the new maintenance contracts sold by a salesperson, or 3% other day to talk about a salesperson who wants to be

paid commissions for jobs that he sold several months ago, even though the salesperson quit his job last month. This issue comes up all the time and like many wage and hour topics must be viewed within the context of federal and state law before rendering a decision. That said, the burden of proof almost always resides exclusively with the employer.

Upon request, the owner informed me the salesperson received a weekly base salary of \$1,550 and a commission of 2% on new contract sales.

Lamentably, while this nominal agreement was in place between the owner and the salesperson, a written formal Sales Commission Agreement was never instituted. That annual Agreement would have specified the terms associated with a myriad of relevant factors (e.g., sales goals, commission rates, commission eligibility, and post-termination payments).

Being pragmatic, the owner's position was that posttermination payment should be withheld since part of the commission was related to the salesperson's responsibility to oversee the job until finality. Since the salesperson resigned his position before job closure, the owner believed that payment balance should not be granted.

Apples and oranges.

In general, a commission is a form of compensation typically paid based on a percentage of the cost or sale price of the product or service sold. For example, the company can offer a 1% commission on all enhancements sold by an Account Manager, or 2% commission on all



"In general, a commission is a form of compensation typically paid based on a percentage of the cost or sale price of the product or service sold. A bonus is a form of compensation when extra pay is typically given to an employee for exceptional performance."

commission on all landscape maintenance contracts in

excess of \$50,000 per month.

In general, a bonus is a form of compensation when extra pay is typically given to an employee for exceptional performance. Discretionary bonuses notwithstanding, if a company offers additional compensation to an employee for achieving a performance goal, that compensation now constitutes a bonus. For example, the company can offer a \$500 bonus to its workforce for all new employee referrals brought into the company, or a \$1,000 bonus

if a job is completed with a gross margin in excess of the forecasted estimate, or a \$5,000 bonus if a construction job is completed without any call-back work.

It appears the business owner conflated commission pay and bonus pay in his agreement with the salesperson. In common practice, the salesperson is entitled to his full commission for the job in question since the salesperson did in fact sell the job. However, the business owner should have distinguished between the compensation due to the salesperson based on sales activities (i.e., commission) and the additional project management activities (i.e., bonus) he expected the salesperson to fulfill, and documented that detail in the Sales Commission Agreement with the salesperson. Without the distinction, the business owner will have to pay the entire 2% commission on the job sold to the salesperson, even though the ongoing project management role was unfulfilled since that bonus performance goal was not specified.

This article was excerpted from the Harvest Group blog, Tuesdays with Steve Cesare.



Ewing Irrigation & Landscape Supply Celebrates 100th Year in Business

Ewing Irrigation & Landscape Supply, the nation's largest family-owned green industry supplier, is celebrating its first 100 years in business in 2022.

"My grandfather instilled a simple, yet effective, philosophy for our company, 'treat your customers right.' That quote has been the foundation on which we've built 100 years of serving customers," said Douglas W. York, Ewing President and CEO. "And it's how we continue to serve our customers and industry now, inviting green industry professionals to lean on us for their business needs, support, and success."

Ewing's journey began in 1922, when Atlas Lawn Sprinkler, an irrigation system installer, irrigation designer and distributor, opened in San Francisco. Ewing's founder, King W. Ewing, joined Atlas as a salesman and installer in 1938. He acquired Atlas' design and supply division in 1948, renaming it Ewing Turf Products, restructuring the company, and laying the foundation for what would become one of the largest wholesale providers of professional-quality landscape and irrigation materials in the United States. He created the country's first turf irrigation distributorship by entering into an exclusive distribution arrangement with Buckner Manufacturing, the first of many irrigation product brands Ewing would come to stock.

In 1963, the second generation of family leadership took the helm when King passed the torch to his daughter, Sue, and her husband, Ray York. Two years later, they relocated company headquarters to San Leandro, California, and continued its expansion, changing the name to Ewing Irrigation Products Inc. in 1967 to reflect its full-line product focus. In 1994, they relocated corporate headquarters to Phoenix, Arizona, and opened a second building on the site in 2008 to accommodate the growing workforce. The original two-story corporate office and warehouse building is undergoing a remodel set for completion in 2022.

"It's been an honor to grow my father's legacy all these years and to see my sons continue building upon our family business," Sue York said. "Ewing's growth, expansion, and success can be directly attributed to our innovation, dedication, customer service and most importantly, the family of employees here today and over the last 100 years."



A third generation joined the family business when Doug York and his brothers, David and Richard, came on board in 1976. While David went on to pursue a successful career in the financial industry, Doug and Richard worked their way up from branch employees to executive leadership positions. Doug has served as President and CEO since 2001, while Richard has led Ewing's OEM business, Landscape Products, since 2016, as President and COO.

In 2018, Doug's son, Jack York, became the fourth generation to join the company after several years in the financial industry. He served as a branch manager in Hastings-on-the-Hudson, New York, for two years before returning to Phoenix to work as a product manager. In November 2021, he was promoted to Director of Product Line Management.

"When my dad asked me to join the family business, I jumped at the opportunity to learn from the ground up," Jack York said. "Three years later, I'm excited to continue working with Ewing employees, product managers, and vendor partners to build on the foundation set by my great-grandfather and strengthened by my grandparents, uncle, and father. Ewing's first 100 years have been great. The second 100 will be even better."

As Ewing enters its second century, the company looks forward to continued growth, with 230-plus branches in 28 states and counting, a flourishing ecommerce website, and strong relationships with its trusted partners. Behind it all is Ewing's commitment to honoring King Ewing's legacy of loyalty and living by his guiding principle to "Treat Your Customers Right."

Connect, Learn, & Grow with CLCA! Not a Member? Join at clca.org/join





Connect with the SD Chapter ... twitter

san_diego_clca

San Diego SAN DIEGO CHAPTER California Landscape Contractors Association @clcasd California Landscape Contractors Association

Linked in

CLCA San Diego Chapter Life Members

Thank you to the following Life Members for their continued support of the association.

Jerrie Beard Steve George Tom Heaviland Stephen Jacobs

- Alfred Lehmann John Mohns Randy Newhard Daniel Olson
- Kim Rusing Steven Smith William Schnetz Mark Schroeder

Gary Weems Keith Wilhite Glenn Wilhite

25+ Year CLCA San Diego Chapter Members

Thanks to the following Chapter Members for their continued support for over 25 years.

American Sod Farms Aristocrat Landscape Maint. Banister Landscape Benchmark Landscape Bradley Ldscp Development **Brightview Landscape Services** California Backflow Specialist Columbine Landscape Cuyamaca College Daniels Landscape Eagle Spec Sales Group **Ewing Irrigation** Grangetto's Farm&Garden Supply H.A. Casillas Landscape Habitat West Holmes Landscape Co.

Horizon Hunter Industries/FX Luminaire Hydrosprout Imperial Sprinkler Supply J.M.D. Landscape Kellogg Garden Products KRC Rock Landscape Contractors Ins. Serv. Mark Schroeder & Co. Milfield's Nursery Nature Designs Landscaping New Way Landscape & Tree Srvc. North County Yard Care Nutrien Solutions One Tripp Tree Service

Pacific Green Landscape Parsons Designscapes Performance Landscape Services Robert Brown Ldscp Irrigation Schnetz Landscape SiteOne Landscape Supply Southland Sod Farms Southwest Boulder & Stone Sowell Landscaping Steven Smith Landscape Sun Valley Landscape Sunlite Landscape Torrey Pines Landscape Co. Van Slyke Landscape Village Nurseries Yasuda Landscape

