

# The Seascape

SEPTEMBER 2009

Central Coast Chapter of the California Landscape Contractors Association



*September 29:*

## Chapter Dinner Meeting

Join the Central Coast Chapter for our September 29, dinner meeting at 6 p.m. at Soquel Nursery Growers, 3645 N. Main St., Soquel (831) 475-3533. Nursery Manager Barry Hartsock will give us a presentation on fall planting.

Come out and mingle with your CLCA friends old and new at this pleasant nursery setting. Learn something new about planting this fall, and enjoy a sumptuous chicken and shredded beef taco bar with home-made shells or flour tortillas by Tampico restaurant. Cheese and chicken enchilladas will also be available.

The cost for this dinner meeting will be \$16. Please RSVP by September 22, to John David at Prime Landscape (831) 476-5999 or [jd@primelandscape.com](mailto:jd@primelandscape.com).

*October 14:*

## Down Economy Computerized Estimating Workshop

On October 14, from 8:00 am to 4:15 p.m., Jim Huston of J.R. Huston Consulting, Inc. will present a Down Economy Computerized Estimating Workshop at Green Valley Grill, 40 Penny Lane, # 5, in Watsonville, (831) 728-0644.

Learn the secrets of contractors who are continuing to prosper in the face of a down economy. This special one-day estimating workshop is designed to help you quickly improve your estimating methods and financial systems to weather the storm. The foundations of the workshop are the popular tools and methods Jim Huston has been teaching for over twenty years.

The seminar is \$100 per person for CLCA Central Coast Chapter members, and \$200 per person for non-chapter members and includes lunch. For more information on the program, visit our web site [www.clca-cc.org](http://www.clca-cc.org).

Jim Huston will also speak at our **October 13, dinner meeting** at the Green Valley Grill at 6:00 p.m. The cost for the dinner meeting is \$30.

Please RSVP for the dinner meeting and/or the one day seminar by sending a check made payable to CLCA-Central Coast, to: CLCA c/o Laurie Riely 6749 E. Zayante Road Felton CA 95018.



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2009 CLCA Central Coast Chapter Directory

Immediate Past President

Nikos Lynch, Terra Bella Landscaping 1500 Graham Hill Road, Suite C Santa Cruz, CA 95060 (831) 479-1629 / Fax (831) 427-0222 nikos\_lynch@yahoo.com

President

Kelly Shaeffer, Plant Providers PO Box 46 Redwood Estates, CA 95044 (408) 314-2668 / Fax (408) 904-7035 Kelly@plantproviders.net

President-Elect

Open Position

Treasurer

Laurie Reily 6749 E. Zayante Road Felton, CA 95018 (831) 335-2102 / Fax (831) 335-3189 Twinkis31@aol.com

Secretary

Laurie Reily 6749 E. Zayante Road Felton, CA 95018 (831) 335-2102 / Fax (831) 335-3189 Twinkis31@aol.com

Membership

Mike Ruscoe, Ewing Irrigation 5550 Soquel Ave., Santa Cruz, CA 95062 (831) 464-6777 / Fax (831) 464-6770 Cell (408) 981-7262 mruscoe@ewing1.com

Event Coordinator

Position Open

Communications/Scholarship

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Education

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Associate Member Rep

Dennis Rabe, Granite Rock 303 Coral Street Santa Cruz, CA 95060 (831) 471-3400 / Fax (831) 471-3401 drabe@graniterock.com

Awards Banquet

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Liaison to the Board

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Liaison to the Board

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CLCA Headquarters

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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.

CLCA Vision Statement

The California Landscape Contractors Association members will be recognized by the public as the best qualified professionals of the landscape industry.

The CLCA Central Coast Chapter newsletter is published 10 times a year. Copy and advertising deadlines are the 10th of the month preceding publication. Send all copy, photos and ad materials to: Jerrie Beard & Associates, 1024 Simon Dr., Ste. F, Placerville, CA 95667. Emailed submissions also welcome at jsb@beardassociates.com. For information on advertising and rates, contact Jerrie Beard at (800) 605-1701.



2009 CLCA State Executive Board

President Heath Bedal (916) 457-5925

President Elect Bill Schnetz (760) 591-3453

Immediate Past President Peter Dufau (805) 985-2421

Secretary/Treasurer Eric Watanabe (818) 831-1390

Director of Communications Chuck Carr

Director of Chapter Services Andy Simpson (916) 721-1635

Director of Events Mike Hertzler (800) 761-9191

Director of Legislation Bob Wade (949) 494-2130

Director of Education Jon Robert Alsdorf (559) 276-1726

Director of Membership Javier Lesaca (661) 836-0229

Director of Resource Mngmt Frank Niccoli (650) 592-9440

Chapter Presidents Council So

Kevin Fairchild (714) 541-1000

Chapter Presidents Council No

Ted Sandrowski (530) 345-6101

Associate Member Director

Barry Elder, Jr. (559) 906-9532

CLCA Central Coast Chapter Past Presidents

2009 - Kelly Shaeffer
2008 - Kelly Shaeffer
2007 - Kelly Shaeffer
2006 - Nikos Lynch
2005 - Nikos Lynch
2004 - Tom Reily
2003 - Tom Reily
2002 - Peter Gluhaich
2001 - Peter Gluhaich
2000 - Steve McDonald, CLT-C
1999 - Steve McDonald, CLT-C
1998 - Christopher Elliott, CLT
1997 - Christopher Elliott, CLT
1996 - Paul Iwanaga
1995 - Paul Iwanaga
1994 - Jerry Allison
1993 - Jerry Allison
1992 - Patty Dunks
1991 - Patty Dunks
1990 - Brian Bisnett
1989 - Brian Bisnett
1988 - John Battaglia
1987 - Irving K. Tamura
1986 - John David, CLT
1985 - John David, CLT
1984 - James Mendleski
1983 - Roy Pina
1982 - Craig E. Rogers
1981 - Ron Mendleski
1980 - Ron Mendleski
1979 - George Depesco
1978 - John Brauns
1977 - J. Chris McIntyre
1976 - J. Chris McIntyre
1975 - Don Ross
1974 - Ray Sumida
1973 - Henry Yaminishi

Local Water Agency Contacts

- Soquel Creek Water District 5180 Soquel Drive, Soquel, CA 95073 831.475.8500 www.soquelcreekwater.com/
• City of Santa Cruz 212 Locust Street, Suite B Santa Cruz, CA 95060 831.420.5230 www.ci.santa-cruz.ca.us/wt/
• City of Watsonville 250 Main Street, Watsonville, CA 95076 831.728.6133 www.ci.watsonville.ca.us/publicworks/index.htm
• Pajaro Valley Water Mngmt. Agency 36 Brennan St., Watsonville, CA 95076 831.722.9292 www.pvwma.dst.ca.us/
• Santa Cruz Planning Department 701 Ocean Street, Santa Cruz, CA 95060 831.454.7580 http://sccounty01.co.santa-cruz.ca.us/eh/Water\_Resources/water\_conservation.htm
• San Lorenzo Valley Water District 13060 Highway 9 Boulder Creek, CA 95006-9119 831.338.2156 www.slvwd.com/
• Scotts Valley Water District 2 Civic Ctr. Dr., Scotts Valley, CA 95067 831.438.2363 www.svwd.org/
• Central Water District 700 Cox Road, Aptos, CA 95003 831.688.2767
• Pajaro-Sunny Mesa Community Services District 136 San Juan Road, Watsonville, CA 95076 831.722.1389
• Lompico County Water District 11255 Lompico Road, Felton, CA 95018 831.335.5200 www.lompico.org/lompicowaterdepartment.html

Chapter Message

Looking for a Few Good Professionals

by Jose Paraisero

Summer is winding down, school has started and your CLCA renewal notice has arrived in the mail. Besides heralding the coming of fall, cooler weather, rain (hopefully lots of it!), and maybe an uptick in business, this is also the time the chapter begins looking for a few good professionals within our ranks to fill open positions on the chapter board of directors.

Now, I know you're thinking, "I don't have time for that." And so I ask: Do you have time to better your leadership skills? Do you have time to build relationships that could net you more business? Do you have time to share your knowledge with your colleagues? Do you have time to take advantage of the knowledge of fellow green professionals to help meet current or future business challenges? Do you have time to build life long friendships? If you answered yes to even one of these questions, then you have time to sit on the chapter board of directors.

If you're feeling a little intimidated by taking on a board position... Don't. I can assure you that no one on the board bites. The current board members are no different than you, except that they took the leap to join the board and reap the benefits of participation. Everyone was new to the board at one point, so they are ready and willing to guide and support new board members and share their knowledge. You won't be going it alone.

So, that takes care of the "excuses", now what can you do for your chapter and the board? That is up to you. There are several open positions next year. Your best bet would be to attend the next board meeting on October 6, at 6 p.m. at Tony & Alba's in Capitola, in the OSH Parking lot. You can get a feel for how the board works and what position you might be interested in. At the very minimum, you commitment

would only be a couple hours a month to attend a board meeting and provide your input on chapter events and policy. Your involvement beyond that is up to you.

I became involved on the board to take full advantage of the benefits and relationships to be had in CLCA. What I found was a very supportive group of people willing to work together, share their knowledge and ideas, and refer business. I have heard people complain that they don't get anything from CLCA beyond decent insurance rates. That's because they aren't putting anything in. It's a give and take. You give a little time to participate in chapter events or on the board, you learn, hone your leadership skills and build a lot of beneficial relationships both business and personal.

If you're still not ready to take the leap of leadership, please at least join us for our upcoming dinner meetings on September 29, and October 13. Dinner meetings are a great venue to meet fellow members (or corner a board member to find out exactly what is involved), and learn something into the bargain. I emphatically encourage you to take advantage of the Estimating Seminar on October 14 with Jim Huston. He is an expert in training members of the green industry, and \$100 for a full day seminar with him is a steal!

So, isn't it time you became involved? I invite you to join us at the October 6, board meeting or call one of the board members listed on page 2 of this newsletter to find out how you can help your chapter and yourself by becoming a board member.

Cheers, Jose Paraisero

## Board Minutes

by Laurie Reily

September 1, 2009 at Tony & Alba's in Capitola. The meeting was called to order at 6:30 p.m.

### Roll Call:

Steve McDonald, John David, Dennis Rabe, Mike Ruscoe and Laurie Reily

### Board Meetings:

All board meetings are held at Tony & Alba's on 41st Ave. in Capitola near the movie theater in the OSH shopping center.

All members who would like to be involved in the Central Coast Chapter of the CLCA are encouraged to attend.

The remaining board meetings are as follows:

- October 6, 2009 - Presiding President, Dennis Rabe
- November 3, 2009 - Presiding President, Nikos Lynch
- There will be NO board meeting in December unless there are last minute items that need to be talked about.

### Upcoming Events

- The CLCA, Central Coast Chapter Golf Tournament will be at San Juan Oaks in Hollister on Wednesday, September 9.
- September 29, dinner meeting will be held at Soquel Nursery at 3645 N. Main St., Soquel, CA 95073 at 6:00 p.m. There will be a tour of the garden center followed by a speaker and a catered dinner.
- The October dinner meeting will be combined with the Jim Huston seminar, both at Green Valley Grill in Watsonville. The dinner will be held on the evening of Tuesday, October 13, with Jim Huston speaking. On Wednesday, October 14, Mr. Huston will present a full day seminar entitled "Down Economy Computerized Estimating Workshop."

### Other Business:

- Treasurer's report reviewed, see at right.
- There are many open board positions for 2010. If you would like to get more involved with the chapter in any capacity, please come to the next two board meetings and see if there is something you

would like to help with.

Meeting was adjourned at 7:30 p.m.

## Treasurer's Report

by Laurie Reily, Treasurer

### July 2009

<b>Opening Balance</b>	<b>\$21,775.28</b>
<b>Income:</b>	<b>\$440.00</b>
Dinner Meeting	\$65.00
Newsletter Advertising	\$300.00
Awards Dinner	\$75.00
<b>Disbursements:</b>	<b>\$4,815.84</b>
Board Meeting	\$68.67
Newsletter	\$3,855.17
State Meetings	\$892.00
<b>Closing Balance</b>	<b>\$17,399.44</b>

### August 2009

<b>Opening Balance</b>	<b>\$17,399.44</b>
<b>Income:</b>	<b>\$587.50</b>
Newsletter Advertising	\$287.50
Seminars	\$300.00
<b>Disbursements:</b>	<b>\$510.00</b>
Website	\$510.00
<b>Closing Balance</b>	<b>\$17,476.94</b>

### Save The Date-November 11-14:

## CLCA Annual Convention - Las Vegas

They say that what happens in Vegas stays in Vegas ... not true for CLCA's Convention. Attend and you'll walk away with hot information you can immediately put to work:

- Knowledge of ways to profit from sustainability and water management
- Practical tools and tips on how to better your business and yourself
- The benefits of networking with colleagues

### Convention Highlights

- Keynote Speaker Barry Wishner: Get Ready For The Comeback
- Trophy Awards: Celebrating Excellence In Landscape Contracting
- Education, Networking & More

### Keynote Speaker: Barry Wishner Get Ready for the Comeback

What would it be worth to you to be able to tap into the thoughts and inspirations of more than half of the Fortune 500 CEOs? To get a completely different take on these extraordinary economic times and come up with a game-plan to not only ride out the recession, but be positioned to thrive when it's over?

Barry Wishner has that inside line after interviewing more than 350 Fortune 500 CEOs plus another 2,000 high-powered business leaders, news-making entrepreneurs, and groundbreaking innovators. But he's more than just talk: Barry's company, ProFormance, a management consulting firm based in Woodside with over \$50 mil-

lion in annual revenues and hundreds of employees over the past 30 years, is run on the same principles he will present during his keynote address and workshop at the 2009 CLCA Annual Convention in Las Vegas in November.

Barry is a real business guy coming from real-world experience, from his humble beginnings in Brooklyn where he adopted 'street-smarts' to survive and fight for what he wanted, to obtaining scholarships to Pratt Institute and then graduate school at CCNY (alma mater of Intel CEO Andy Grove and Colin Powell), where he earned his MBA.

His drive to achieve and pass on what he's discovered, through direct experience and from picking the brains of the nation's most successful business leaders, contribute to Barry's high-energy presentations and to his popularity as a keynote speaker at major events. His roster of past clients reads like a 'Who's Who' of American industry, including ALCA (now PLANET), IBM, Microsoft, Oracle, Blue Cross, General Mills, 3M, and scores of other household-name companies.

The keynote may take CLCA members a bit by surprise, if for no other reason than the title sounds audacious: How Landscape Contractors are Getting Ready for the Comeback. But it's not a canned speech: Barry has tailored it to CLCA's unique membership, and based it in part on interviews he's conducted with several

CLCA members. Questions with high-impact answers that will be explored - enthusiastically - include, "Why do some landscape contractors thrive while others struggle in tough times?" "How do successful contractors turn crisis into opportunity?" And, "If you were your competition, what would you do to steal customers away from the business you have today?"

A newsmaker who is often featured in USA Today, The Los Angeles Times, San Francisco Chronicle, and CNN Financial News, Barry Wishner will bring a fresh perspective to motivate CLCA members to enthusiastically respond to today's economy and the unique challenges — and opportunities — on the horizon.

### Travel and Accommodations

- The M Resort, Las Vegas, (877) 673-7678 Rooms only \$169 + \$25 resort fee
- Reserve you air travel now. Southwest is offering \$49 one way fares from most California cities. Take advantage of airline specials at iflyswa.com.
- For updated information, visit [www.clca.org](http://www.clca.org) or call (800) 448-2522.

### IMPORTANT DATES:

- September 26: CLT Written Exam CLCA Headquarters, Sacramento CA. Testing from 8am-noon. Contact CLCA at (800) 448-2522 or [hq@clca.org](mailto:hq@clca.org).
- October 3: CLT Field Testing Sacramento, CA. American River College. Contact CLCA at (800) 448-2522 or [hq@clca.org](mailto:hq@clca.org).

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## Fall Horticulture Lecture Series At Cabrillo College

The Cabrillo College Environmental Horticulture College is presenting a series of seminars this fall on Thursday evenings, from 7:00 to 8:30 p.m. The seminars will be held at the Cabrillo College Environmental Horticulture Center, Room 5005.

The series of five lectures is \$40 when purchased as a series, or \$10 per lecture if attended individually. Friends of the Garden members are half price, Cabrillo horticulture volunteers and current Horticulture students are free.

### Lecture Series Topics

- **September 24th:** Aquaponics: Combining Fish and Plants in a more Sustainable Food Production System  
Speaker: Peter Shaw (Cabrillo College Horticulture Department)
- **October 8th:** New Approaches to Rain Water Harvesting  
Speaker: Nikos Lynch (Terra Bella

Landscaping)

- **October 22nd:** A Healthier Lawn using all Organic Materials  
Speaker: Kevin Dougherty (Jackson Landscape)
- **November 5th:** Using Compost Tea in the Landscape  
Speaker: Caleb Adams (Liquid BioTech)
- **November 19th:** Hortecology: The Garden as an Ecosystem  
Speaker: Richard Merrill (Former Director Cabrillo Horticulture Department)

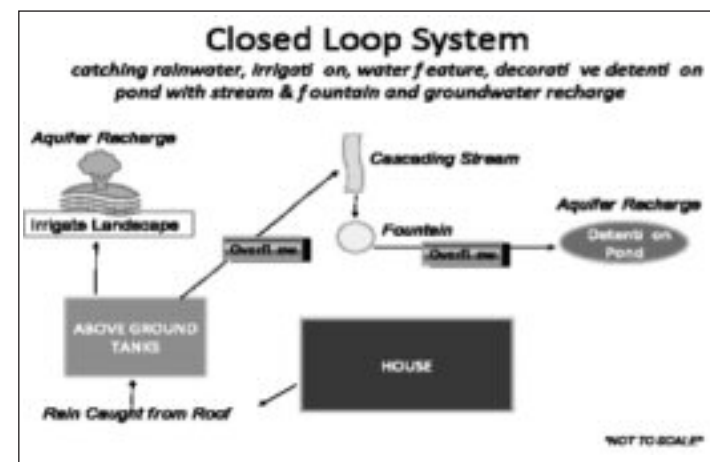
*Please Note:* Parking is free only in the designated spaces at the Horticulture facility. There are only a limited number of spots at the facility. Overflow parking on the lower campus is \$2 (eight quarters).

For more information about the Horticulture program and its facilities, visit [www.cabrillo.edu/academics/horticulture/](http://www.cabrillo.edu/academics/horticulture/)

### City of Santa Cruz and Soquel Creek Water District Evaluating Potential Desalination Plant

The City of Santa Cruz Water Department (SCWD) and Soquel Creek Water District (SqCWD) identified desalination as the best option for delivering an additional flexible and reliable water source. To take advantage of the benefits derived from a cooperative facility, SCWD and SqCWD have joined together to address their different needs and share the investigative costs associated with the potential full-scale Desalination Plant.

If the proposed desalination plant were to be constructed, SCWD would be able to address its drought protection needs and SqCWD would be able to protect its groundwater resources from saltwater intrusion. SCWD and SqCWD will continue to use conservation and curtailment requirements to maximize efficient use of water resources.



## Rainwater Harvesting Workshop November 6

By Linda Garrett, Landscape Architect, SFBA Education Committee

Due to the current water shortage situation, and in response to the need for education on water conservation methods and strategies, the CLCA SFBA Education Committee is providing a Rainwater Harvesting Workshop on the morning of Friday, November 6, at Foothill College in Los Altos.

The featured speaker will be Bobby Markowitz, founder of Earthcraft Landscape Design, a landscape architectural firm spe-

cializing in rainwater harvesting design and installation. The firm specializes in closed-loop systems that take into account both water-wise plant choices and efficient irrigation systems. A frequent guest lecturer and keynote speaker for numerous Landscape Architecture and Rainwater Catchment System Associations, Mr. Markowitz has provided valuable insight into the design of sustainable sites and water conservation systems educating professionals for nearly a decade. Bobby is affiliated with various rainwater catchment associations and green building and permaculture associations.

There are numerous benefits of rainwater harvesting including: having a reliable water source, decreased water bills, the ability to store water for emergency purposes, and on-site stormwater retention and aquifer recharge. Rainwater harvesting is the simple process of catching rainwater, storing it, if it is not needed immediately, and then using it for irrigation, indoor plumbing such as flushing toilets or even for household drinking water. These systems can vary considerably in complexity and cost, but the basic components usually include: components for catchment, gutters and downspouts, a "pre-filter" to remove debris and large sediment prior to storage, above or below ground storage tanks, vector control, a vent and overflow, additional filters, pumps if needed, and a distribution system, or irrigation system.

Information presented at the event will include "hands-on" practical knowledge that landscape contractors can use immediately to utilize the benefits of rainwater harvesting systems. More information can be found on the Earthcraft Landscape Design's website.

To learn more about the upcoming event, look for another article and flyer in the October issue of the Bay Breeze newsletter. For information, or to register for the event, contact Heidi Johnson at [hkjohnson@aol.com](mailto:hkjohnson@aol.com).

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### Bay Area Landscape Professionals Gain Access to Water Management Specialist

Christine Hawkins, water management specialist for Ewing Irrigation Products, will provide education and water-efficient solutions to assist landscape and irrigation professionals in proactively managing resources and effectively navigating the changing face of the landscape and irrigation business.

"My goal is to help professionals identify water-efficient solutions, work within parameters of local and state watering restrictions, and find ways to grow their business in the process," Hawkins said. Hawkins will use her applied knowledge of water-efficient products and whole-system solutions to assist landscape contractors, irrigation professionals and landscape architects in the Bay Area with developing strategies to eliminate runoff, over-watering and water waste. She will also provide support for water districts and municipalities to develop rebate programs and pro-

mote water-efficient practices.

Hawkins joined Ewing in 2006, and has since served landscape, irrigation and water agency professionals in California's Central Valley and Central Coast. Hawkins is a Certified Landscape Irrigation Auditor, an active member of the California Landscape Contractors Association, and holds a Qualified Applicator License for the Department of Pesticide Regulation (QAL) for the State of California. She holds a Bachelor of Science degree in environmental horticulture from Cal Poly-San Luis Obispo.

Hawkins will operate out of Ewing's Fremont, California branch, located at 43055 Osgood Rd., Suite A. For assistance with water management challenges, contact Hawkins at 559.355.4166 or [chawkins@ewing1.com](mailto:chawkins@ewing1.com). San Rafael and Concord professionals may reach their local water management specialist, Tom Noonan, at (916) 812-5034 or [tnoonan@ewing1.com](mailto:tnoonan@ewing1.com). Visit Ewing online at [www.ewing1.com](http://www.ewing1.com).

## A New Era in Landscaping

By Mike Garcia, *Enviroscope*

Having survived the worst economic downturn in recent history, not to say that things have actually returned to normal yet, it reminds me of where my business was six months ago. I remember wondering if the good ride was over.

That said, I think we are seeing the end of one era and the beginning of another. I believe that the face of landscape construction has changed. The days of landscaping as though water were plentiful are now over. Gone are the days when we installed lots of sod and impatiens. The "new" landscape will now consist of native, drought tolerant, and Mediterranean plants. The new irrigation world will consist of drip, smart controllers and rotary spray nozzles.

There are a plethora of new products available that aim at saving water in the landscape, like permeable pavers and organic fertilizers (Pro-biotics) that make

the soil come to life. I feel as if I'm learning a new trade. I am very thankful to have the support of the greatest professional landscape association on the planet to help me through it all. I have the CLCA network, consisting of fellow contractors, distributors and manufacturers, who are helping me muddle through it all.

I have recently been inundated with calls from clients who are confused by the Stage 2 drought alert, which is requiring them to only water two days a week and for only 15 minutes. This action will render the smart controller useless with regard to the sensor mode and proposes a huge educational task ahead of us with respect to our clients and the city staff in the communities where we serve.

I plan to embark on a huge advertising campaign in my community to market myself as the "Drip Guru". We need to ride the wave of what the market demand is, and the demand for landscape water savings and having a "green edge" is HUGE.

## Subcontract Agreement Form Updated

CLCA has updated its Subcontract Agreement, Form 105, to cover more contractual situations and to make it more useful to higher-tier contractors.

CLCA's previous Subcontract Agreement did not have an indemnification and defense clause, for example. The association's new agreement states that the subcontractor agrees to defend, indemnify, and hold harmless the higher-tier contractor for any and all claims, losses, expenses, fees (including attorney's fees), costs, and judgments that may be asserted against the higher tier contractor that result from or are alleged to have resulted from the acts or admissions of the subcontractor. The updated form also states that upon the higher-tier contractor receiving a claim arising out of or alleged to arise out of the subcontractor's work, the subcontractor shall immediately provide the higher tier contractor with a defense to the claim.

In another example of a significant

change, the new Subcontract Agreement specifies that monthly progress payments will be made 10 days after receipt of payment from the owner. The new form also states that it is the intent of the parties that receipt by the higher tier contractor from the owner of funds for work performed by the subcontractor shall be a condition precedent to each payment to be made to the subcontractor. However, the form also stipulates that if the higher tier contractor does not receive payment from the owner, payment will be made to the subcontractor within a reasonable time. CLCA's previous Subcontract Agreement did not address the issue of nonpayment by the owner.

To see if the updated Subcontract Form is right for your business, go to the Knowledge Bank on the CLCA website at [www.clca.org](http://www.clca.org) and download a sample PDF document. The Knowledge Bank is in the Members Only section of the website. Once there, select Forms .



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## Administration Rescinds No-Match Rule

The Department of Homeland Security (DHS) announced its intention to drop its supposedly safe harbor process for responding to "no-match letters" from the Social Security Administration (SSA). As a result, the litigants in the "no-match lawsuit" in the U.S. District Court of California subsequently filed a joint motion to stay proceedings for an appropriate period of time to allow for the completion of rule-making proceedings on a future DHS proposal. CLCA is one of the litigants.

The 2007 "no-match rule" was a DHS attempt at providing guidance to employers on what the department believed was the correct response to a no-match letter. No-match letters are letters that SSA sends employers when it can't match information provided on W-2 forms to the names and social security numbers in its database.

The rule broadened the definition of "constructive knowledge" of unauthorized employment by including the receipt of a

no-match letter as one of the ways DHS could have proven that an employer had such knowledge. It also suggested steps that an employer should take in response to the receipt of these letters in order to determine if the employees were truly authorized to work. The steps included terminating the workers if the no-match was not resolved after 93 days. If those procedures were followed, the employer would receive a safe harbor -- DHS would not have used receipt of the letters as a basis for holding the employer liable for continuing to employ the unauthorized workers.

However, the steps actually would not have resulted in a true safe harbor for employers. DHS did not have jurisdiction to grant immunity from prosecution under the Immigration Reform and Control Act's nondiscrimination provisions for employers who terminated employees after following the rule's safe harbor provisions.

The Department of Justice has that authori-

ty, not DHS. Furthermore, compliance would have been expensive, especially for small employers. Those who received no-match letters would have had to make significant expenditures of time and resources to develop and implement systems to track and resolve Social Security mismatches within the time constraints.

The lawsuit filed by CLCA and other organizations successfully challenged some of the procedural aspects of the 2007 rule, leading to a preliminary injunction.

In November of 2007, DHS responded to the injunction by requesting that the court delay proceedings to allow the department to reissue the rule. DHS did so in October of 2008, but the revised rule was not that different from its original rule.

"It's important to recognize that although the Obama Administration will likely take a different approach when it comes to these letters, we should not expect it to go easy on employers," said Larry Rohlfes, CLCA's assistant executive director.

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Contracts and payments should be mailed to:  
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## 2009 Central Coast Chapter Partners

We would like to take this opportunity to thank our Chapter Partners for 2009. Your support allows us to host several great events and keep our chapter strong and vibrant. If you have not already done so, please consider joining this elite list in 2009. And, please remember to support these companies when making purchases. To become a Partner, call Laurie Reily (831) 335-2102.

### Oak Partners - \$850

One awards sponsorship, two golf tournament entries, a golf hole sponsorship, a table at membership night, two tickets to the awards dinner, one dinner ticket to Membership Night, plus recognition on the chapter banner and in each issue of the chapter newsletter.

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## Calendar of Events

**September 26**, CLT written test. CLCA Headquarters, 1491 River Park Drive, Sacramento, CA, 8am-Noon. Last date to register is September 11, 2009. Contact CLCA HQ at (800) 448-2522, or [hq@clca.org](mailto:hq@clca.org).

**September 29**, Chapter dinner meeting. 6 p.m. at Soquel Nursery Growers, 3645 N. Main St., Soquel (831) 475-3533. Nursery Manager Barry Hartsock will give us a presentation on fall planting. See page 1.

**October 3**, CLT field test, American River College, Sacramento. Visit [www.clca.org](http://www.clca.org) or contact CLCA HQ at (800) 448-2522, or [hq@clca.org](mailto:hq@clca.org).

**October 6**, Board Meeting, 6 p.m. Tony & Alba's in Capitola, in the Orchard Parking lot.

**October 13**, Dinner Meeting with Jim Huston. Green Valley Grill, Watsonville, 6 p.m. \$30 per person. See page 1.

**October 14**, One day seminar with Jim Huston -- "Down-Economy Computerized Estimating Workshop". The cost to members will be \$100, with lunch included, \$200 for non-members. Green Valley Grill, Watsonville. 8 a.m. to 4 p.m. See page 1.

**November 3**, Board Meeting, 6 p.m. Tony & Alba's in Capitola, in the Orchard Parking lot.

**November 11**, Irrigation Association Show, Anaheim, California. For info, visit [www.irrigation.org](http://www.irrigation.org).

**November 11-14**, CLCA Annual Convention, The M Resort, Las Vegas.

For information about CLCA events, contact CLCA at (800) 448-2522 or [hq@clca.org](mailto:hq@clca.org) or see [www.clca.org](http://www.clca.org).

**December**, Holiday Party. Details TBA.

**February 3-4, 2010** Landscape Industry Show. Los Angeles Convention Center.

For information or to sign up as an exhibitor see [www.clca.us/lis](http://www.clca.us/lis).

### CLCA Water Management Certification Program

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1. Register for the Performance Program: John Moore at (775) 225-7346 or [h2omanager@charter.net](mailto:h2omanager@charter.net).
2. Download the study guide for the written test at [www.clca.org](http://www.clca.org)
3. Test dates, times and locations are provided at [www.clca.org](http://www.clca.org).



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