

Oregon Landscape

3rd Quarter, 2017



Oregon's Landscape Professionals



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President's Message

Matt Triplett, LIC, CLIA, OLCP, Willamette Landscape Services, Inc.



With the dog days of summer squarely upon us, I'm hearing from a lot of members that there is still plenty of work in the pipeline. I'm also hearing that, if not for the woes of finding and maintaining capable labor, this could easily be one of the busiest and most successful years in recent history. With our local unemployment rates hovering at 3.5%, mandated minimum wage increases, and pay scales skyrocketing, our industry is in a battle to assert its value proposition to the public to address rising costs.

Getting to a point where consumers of our services and products value the often complex work of the competent landscape community has long been our greatest challenge. For all of our abilities, knowledge, expertise, and hard physical work, establishing our credibility and worth has been the primary, necessary focus of OLCA. Nowhere else is found the concentration of programs, education, networking, certification, and legislative efforts. OLCA is singularly dedicated to making our industry more credible and increasing the aforementioned value proposition.

I have had a long history of service to our industry because I believe that it's important to give back and to be a part of making the whole better. A pair of quotes, by the same American President, have played important roles in answering why I think it's important to serve.

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is

marred by dust and sweat and blood, who strives valiantly; who errs and comes short again and again; because there is not effort without error and shortcomings; but who does actually strive to do the deed; who knows the great enthusiasm, the great devotion, who spends himself in a worthy cause, who at the best knows in the end the triumph of high achievement and who at the worst, if he fails, at least he fails while daring greatly. So that his place shall never be with those cold and timid souls who know neither victory nor defeat." – Theodore Roosevelt

"Every man owes a part of his time and money to the business or industry in which he is engaged. No man has a moral right to withhold his support from an organization that is striving to improve conditions within his sphere." – Theodore Roosevelt

As you read this, know there are dozens of volunteers working hard, providing wisdom, and doing some very heavy lifting to move our great industry forward. If you are not involved or know somebody who does not belong to OLCA, please keep the Teddy quotes in mind as you contemplate why you or they are not. I look forward to meeting you in the arena at an upcoming chapter meeting, the Expo kick-Off Party, Expo, board meeting, committee gathering, or when your application for membership crosses my desk.

It is with the sincerest of wishes that you finish this year strong and find yourself in good health and prosperity. All the best.

Risk Insights

Avoid Negligent Entrustment

Provided by LaPorte & Associates

Automobile accidents are an expensive liability for companies that rely on the use of vehicles for their business. That risk has increased in recent years, mainly due to distracted driving and a legal concept called negligent entrustment.

Negligent entrustment occurs when an employer is held liable for negligence in choosing an employee to operate a dangerous instrument, usually a vehicle. An employer can be found negligent if both of the following situations occur:

1. A driver becomes injured while driving for company business, causes injury to a third party or damages physical property.
2. The employer knew, or should have known, not to trust the vehicle to the driver or that the vehicle was unsafe.

If a driver is working within the scope of his or her job duties and has permission to use a company vehicle, it is presumed that the employer has trusted the driver with the vehicle. The following can be used to prove a finding of negligence:

- An investigation of the accident scene
- Interviews with the drivers and witnesses
- Other applicable evidence that includes citations issued to the drivers

Companies must be able to show that they took all possible precautions to prevent accidents. If not,

the actions they did or did not take might be construed as negligent entrustment.

Liability Coverage is Not Sufficient

General liability policies do not offer coverage for incidents of negligent entrustment. Although business auto policies do not exclude neg-

A negligent entrustment lawsuit can cost a company millions of dollars, but can be easily prevented by avoiding simple, but possibly fatal, mistakes.

ligent entrustment, coverage may not be sufficient if an employee is involved in a harmful accident. Juries often award the plaintiff punitive damages in excess of any compensatory damages resulting from negligent entrustment.

How to Avoid Negligent Entrustment

Reduce exposure to negligent entrustment lawsuits by adhering to the following best practices:

- Prescreen all individuals granted permission to drive for company business. Review their driving records annually.
- Provide regularly scheduled driver reviews and comprehensive training sessions.

- Maintain company vehicles to ensure that they meet strict safety standards.
- Provide post-accident reviews and training on how the accident could have been avoided.
- Put clear safety policies in writing to minimize risks. Follow all OSHA guidelines as well as guidelines specific to your business.
- Define your permission policy. Anyone with permission to drive a vehicle for company business is classified as an insured on a company policy. That is why it is important to define your permission policy in a way that ensures flexibility but isn't too broad.
- Regularly enforce drug and alcohol policies.
- Enforce a zero tolerance policy for driver misconduct.

By taking the aforementioned precautions, you'll minimize the risk of your employees creating a situation in which your company is found liable. Although commercial auto insurance can minimize some liability risks, more advanced business and umbrella policies can protect against additional risks.

LaPorte can help you choose an auto insurance policy that is best for your business. Contact us for more information on how you can reduce your risk of negligent entrustment liability.



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Membership in Professional Organizations

By Bob Kirtley, Portland Regional Chapter Treasurer

Most professions have a non-profit or not for profit organization available to join. There are a number of benefits to belonging to a professional organization. The following are a partial list of benefits of belonging to O.L.C.A. (The Oregon Landscape Contractors Association):

1. Meetings

- Socialize with those with common concerns
- Meetings to discuss mutual and timely topics
- Connect directly with vendors

2. Education

- Specialized seminars to provide continuing education
- Stay informed of changes in the laws and human resources issues.
- Stay abreast of the ever changing landscape industry

3. Socializing

- Make new friends with common interests
- Trade projects when it's beneficial to both
- Meet new designers/contractors-get new perspectives
- Become acquainted with vendor members who can help with special services

4. Awards Competition

- Test your crew's abilities against others
- Add to your marketing arsenal

5. Legislative Issues

- Stay abreast of movements within local and state government that will impact you and your businesses future
- Learn how to promote your political position
- Become involved-it benefits all

in our industry

6. Insurance Pool

- Better rates through buying power
- Receive more industry specific information and help

7. Attorney Availability

- Some services are partially pre-paid
- No need to vet your own attorney
- Ask those who specialize in our industry

8. Various Discount Opportunities

For many years between 1975 and 2015 I belonged to and worked with the California Landscape Contractors Association, or CLCA.

I am currently on the board of directors of the (Portland Regional Chapter) of the Oregon Landscape Contractors Association, or OLCA.

OLCA holds approximately nine meetings annually, which provide for social interaction among contractor, designer, and vendor members and students. It's a great venue to talk to others who share your situation and see how others are dealing with common issues. I know when I was running my contracting firm, I sometimes felt like I was living in a "barrel". The meetings gave me an opportunity to see what was going on around me, and ask questions of fellow contractors.

Both of these organizations provide opportunities for continued education in the landscape industry, and to become involved in various endeavors that they engage in annually. For example, you can join a committee and help organize a program that you feel

particularly passionate about. Maybe the golf tournament, the awards program, or helping on the ANLD Garden Tour. You might want to volunteer to join the board of directors and help shape the future of the organization.

Working on these committees, or on the board, brings contractors, designers, and vendors closer together. You develop friendships even though you might be competitors. On many occasions I have referred work to one of my fellow members when I was too busy to meet the client's needs; and they recommended me in turn

CONTINUED ON PAGE 7

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Engaging Online Marketing

By Vic Carlson, River City Reach

A frequently asked question of web marketers is... "What should my business be doing online?"

Well, that depends on what your top four competitors are doing online. Which web marketing tools and tactics are your competitors engaging?

Do they:

- Blog regularly
- Send E-Newsletters regularly
- Have a modern looking and functioning website with latest features
- Have an optimized mobile website (formatted to fit a small screen)

- Have optimized text (content with industry, local and location key words or phrases)
- Engage Social Media
- Post Videos
- Post customer reviews
- Use paid search/paid impressions (online ads using optimized content for search engines and social media outlets)

Now, ask yourself, are you ahead of the curve or behind it? How do you stack up against your competitors? Do you need to rebrand to stay abreast or make gains on them?

There is one common thread in this list of online marketing activities – and that is Content! All these activities, tools and tactics involve the generation and use of unique, fresh content.

You need to use the online tools that support your goals. You can do that by developing your own best marketing practices.

The marketing of a business online is NOT a set it and forget it proposition

Like the following time-tested adage states, one can't keep doing the

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**Membership in Professional Organizations
Continued from Page 5**

When my business declined rapidly in 2010, I turned to the members I'd been working with on various committees to offer my experience and help in any way I could. Those relationships paid off. I was able to sustain my family through the work that these fellow contractors provided over the next 3 years.

Another advantage of the OLCA organization that isn't as apparent as all the committees and socializing is the legislative segment. Naturally every contractor benefits from the work of the legislative committee and lobbyists employed by the organization. However, if you are not a member, although you benefit from their work, you are not helping with the expenses. There are numerous bills and amendments that come up before your state legislatures every year that have huge effects on your business and how it is regulated. You owe it to OLCA to join, even if it's to just pay your fair share in this most important endeavor. Without OLCA watching what bills are coming up and helping mobilize efforts to ensure your interests are protected, you may not have the opportunities to grow your con-

tracting business. Example; you can now subcontract with plumbers and electricians to broaden your scope of work. This is due to the diligent work of the OLCA Legislative committee and the lobbyists.

OLCA also has a working relationship with the Oregon Landscape Contractors Board. There is continuing dialog in regards to the landscape contracting industry and working with the Oregon Landscape Contractors Board and Salem on important issues that come up.

Continuing education is a big part of OLCA. As contractors, we need to stay abreast of all the changes in local laws, the latest information in HR regulations, insect infestations, the newest "best practices" for pest control, the latest innovations in irrigation equipment, etc. These and many other topics are generally a part of our monthly meeting agenda. Others are covered at the N.W. Landscape Expo held in December each year. Keeping updated on these issues helps you avoid law suits and issues you do not want to be involved with. It also helps you understand new options to address your customers concerns. The bottom line is OLCA wants you to be professional, and successful.

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STUDENT MEMBERS

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**Engaging Online Marketing Continued
from Page 6**

same old things and expect differing or improved results. With advancements in technology and tactics a business cannot presume to stay ahead of the curve – they need to be frequently active online.

Be mindful that:

- Content is an ongoing experiment – an effort to consistently

provide unique text for your audience

- Know that no tactic or action is permanent – learn from missteps and move forward
- Focus your tactics on moments that lead to audience engagement
- Social media is engagement in its purest form
- Everything is measurable

- Don't dwell on SEO – write for your users, not search engines

You don't have to go this alone, struggling to keep up with the latest from search engines, social media outlets, and your competitors. In a game where the rules change frequently it is good to engage a web marketing team you can count on for direction and support.



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Where is the Beauty in our Work and Who Cares?

By Jim Larson, Portland Regional Director

From the dawn of civilization, we have strived to create beauty out of what nature or man provides. That is where landscape architects, contractors, and designers work their magic. Even building architects such as Frank Lloyd Wright worked with nature to create some of his most inspiring homes.

A professional landscape project anchors the building (either home or commercial) to the site. A landscape architect or designer should work with a landscape contractor, and where possible the building architect to design a project with plant

material suited for the site as well as building materials to create the hardscapes including decks, walkways, fences, outdoor kitchens and so on. This helps to create the visual appeal for the client.

We need to educate the public as to the value for themselves and nature of the environmental impact their landscape project will provide. A properly designed landscape will sooth the soul, will cool the air around their property and create curb appeal. A properly designed landscape makes for a more livable community. A great looking land-

scape is only as good as the maintenance being performed.

There have been some inspiring landscape projects designed and installed throughout history and even today. We in the landscape and nursery community should align ourselves with professionals that we can associate with to create those awe inspiring projects. Those projects that are entered for awards or garden tours are a testament to the great work in our corner of the world . We are blessed in the Pacific Northwest with moderate climate,

CONTINUED ON PAGE 12

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December 13th - OLCA Northwest Landscape Expo

The Tradeshow for NW Landscape Professionals and Industry Suppliers! The Northwest Landscape Expo is a trade only event brought to the Landscape Industry to showcase the latest in new products, services, technologies and education that keeps you at the forefront of the industry.

The Northwest Landscape Expo offers a variety of educational opportunities to the entire landscape team. This year's Expo will also offer fee-based seminars that are designed to present valuable information on a variety of subjects to owners/operators, key people, team leaders, decision makers, project managers, schedulers, designers, sales people and supervisors.

Here's a Sneak Peak at the speaker line up....

Expo Sessions

- Smart Controllers – Monitoring and Managing Your Commercial Sites
- Using Native Plants in the Landscape
- Designing & Maintaining with Biological Integrity: Are you Serving the Demand?
- Outdoor Living Concepts
- Irrigation Controller Fundamentals
- Edible Landscape
- Safety 101
- Careers in Landscaping
- The Importance of trees in urban areas

Fee-Based Seminars

- How to Eliminate Competition and Boost Profits in Your Design/Build Landscape
- Contract Review - What's in Your Contract
- Helping Businesses Hire and Manage Their People
- Creating a Safety Culture
- Keys to Becoming a Leader in the Green Industry
- Best Practice for Fleet Management
- Natural Disaster Preparation

Mark your calendars now and make your plans to attend the 2017 Expo! See you there.



Portland Chapter
Landscape Expo Kick-Off Party &
Landscape Awards presentations

**Tuesday, December 12th, 2017
6 - 9pm**

McMenamins Kennedy School
5736 N.E. 33rd Ave.
Portland, OR 97211

The Portland Regional Chapter invites you to attend the 2017 Expo Kick-Off Party and Landscape Awards Presentation. The evening is the most exciting and fun networking event of the year!

Spouse and employee friendly event. Light snacks and a no-host dinner is provided.

More information coming soon

2017 OLCA NORTHWEST LANDSCAPE EXPO EXHIBITORS*



*Current at time of printing

Where is the beauty in our work and who cares? Continued from Page 9

great selection of plant material and of course, let's not forget great talent.

You may seem isolated at times with managing your business and projects. You have enough to do, right? However, you're not alone out there. Keep in mind there is a vast community of landscape professionals to draw from. Why not belong to one of many landscape organizations in our community? Here are a few: American Society of Landscape Architects, Oregon Chapter (ASLA), Association of NW Landscape Designers (ANLD), Association of Professional Landscape Designers, Oregon Chapter (APLD), Oregon Landscape Contractors Association (OLCA). And for our friends across the Columbia River is the Washington Association of Landscape Professionals, Southern Washington Chapter (WALP). You can learn from each of these associations. Attend chapter meetings in your local area, attend field days or landscape expos (OLCA's NW Landscape Expo is coming up on December 12th and 13th, 2017 at the Oregon Convention Center in Portland). You don't have to belong

to all of them. Choose one or two that fits with your needs.

I hope to see you at an upcoming chapter meeting or event. Let's keep the landscape community vibrant

in the Pacific Northwest. A lot of us say we live in God's country in the Pacific NW, or we wouldn't want to live anywhere else. Let's show it in our work and by working together to create beauty for nature and people.

Engage Your Audience

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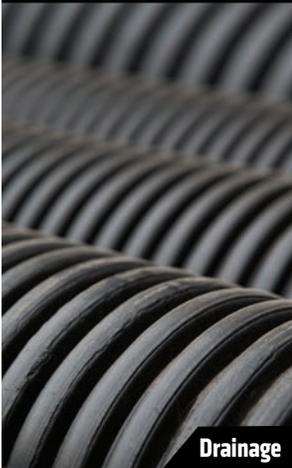
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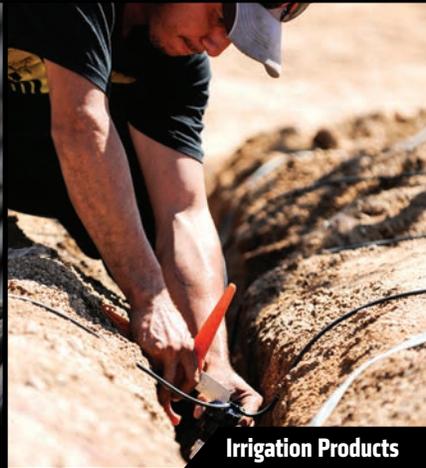
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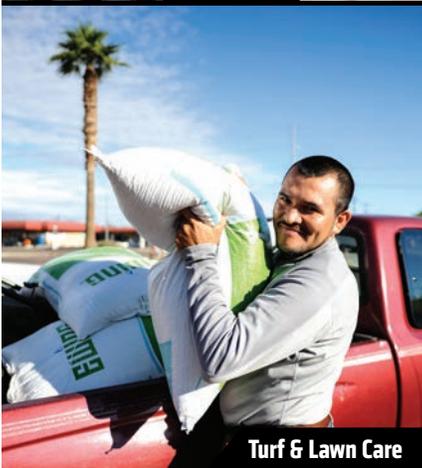
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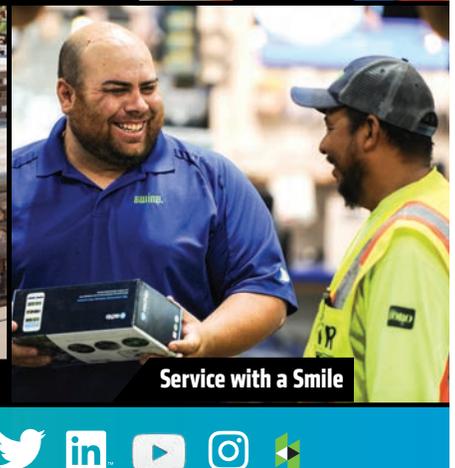
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Legislative Report from the Capitol

By Bill Cross & Niki Terzieff, OLCA's Government Affairs Advocates

The final gavel came down on the 2017 Legislative session on July 7th with little pomp or circumstance. Regardless of what side of the aisle or the primary interests before the Legislature, many left the Capitol building disappointed, dismayed and even disaffected. Business interests felt that progressives had run roughshod over their needs, while unions and social justice groups gasped at what little they believe they were handed.

The Senate found their way out of the building hours earlier on the 7th, with a dignity that becomes the senior chamber. Spending six months fielding flaming arrows of progressive policy, the Senate found its main purpose this session in negotiating, stopping or trying to manage a loss on most legislation sent their way.

This was the session to revamp our revenue system, institute comprehensive cost-cutting measures, pass

a robust transportation package, save the environment, save jobs, end homelessness, feed the children, improve their schools, bolster the veterans, protect the elderly, create economic development, create more transparency and accountability, expand Medicaid services, end opioid addiction and keep guns out of the hands of those in crisis. And you know what? They did most of it, kind of. And balanced the budget, to boot, at least for now.

This session found the OLCA Legislative Committee and advocacy team working overtime to preserve the current landscape contractors' licensure and continuing education requirements. In addition, OLCA worked with other industry and business organizations to temper new workplace legislation. We tracked approximately 60 bills of interest and continued our vigilance regarding issues of concern

to the landscape contracting industry.

The biggest threat to the industry was HB 3337 which would have created a new limited landscape construction professional license that would have allowed the licensee to perform up to \$8,000 of work per job during a 12-month period with few restrictions. Prior experience, education, completion of the examination testing (both knowledge of the business and landscape contracting laws), and the skills to satisfactorily perform

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OLCA 2017 Upcoming Events

OCTOBER

- 4 Portland Regional Chapter Meeting
- 10 Central Oregon Chapter Meeting

NOVEMBER

- 1 Portland Regional Chapter Meeting
- 7 Central Oregon Chapter Meeting

DECEMBER

- 12 Expo Kick-Off Party
- 12 NW Landscape Expo Pesticide Training
- 13 NW Landscape Expo

For more information about these events go to www.oregonlandscape.org

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the work would be waived. Introduced by Rep. Dallas Heard (R-Roseburg), a landscape contractor, the bill drew significant support for political reasons as opposed to policy considerations. A number of newly-minted Democratic representatives perceive occupational licensure of various kinds as a barrier to competition...particularly for people of color.

The measure was passed in the House but several key senators including Senate Majority Leader Ginny Burdick and Senate Business and Transportation Committee Chair Lee Beyer opposed it. OLCA was joined by a number of other organiza-

tions in an effort to inform senators that professional licensure enhances consumer protection and protects the environment by ensuring that licensees have a minimum level of knowledge and competency in the landscape profession. Those organizations included: Special Districts of Oregon, Oregon Association of Nurseries, League of Oregon Cities, Southern Oregon Landscape Association, National Hispanic Landscape Alliance, American Water Works Association (Pacific Northwest Chapter), American Society of Landscape Architects (Oregon Chapter), Regional Water Providers Consortium and Water Watch.

Fortunately, HB 3337 died in Senate Rules Committee but will likely be an issue reintroduced in 2018 or 2019. OLCA also opposed SB 474 which would have removed the requirement for continuing education for landscape construction professions to maintain their licensure. The bill did receive a hearing but did not move out of committee.

For full details, see OLCA's 2017 Legislative Report at www.oregonlandscape.org.

Please feel free to contact us at any time if you have any questions by emailing Bill Cross at bill@wvcross.com or Niki Terzieff at niki@leading-edgepublicaffairs.com.

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