



**NOTICE OF MEETING  
Landscape Architects Technical Committee**

**LATC MEMBERS**

Marq Truscott, Chair  
Andy Bowden, Vice Chair  
Susan M. Landry  
Patricia Trauth  
Jon Wreschinsky

**May 29, 2019**

*Action may be  
taken on any  
item listed on  
the agenda.*

**Campbell City Hall  
Council Chambers  
70 North 1st Street  
Campbell, CA 95008  
(408) 866-2182  
LATC (916) 575-7230**

The Landscape Architects Technical Committee (LATC or Committee) will hold a meeting, as noted above.

**Agenda  
10:30 a.m. – 3:30 p.m.  
(or until completion of business)**

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair's Procedural Remarks and LATC Member Introductory Comments
- C. Update on Department of Consumer Affairs (DCA)
- D. Public Comment on Items Not on the Agenda  
*The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).*
- E. Review and Possible Action on February 8, 2019 LATC Meeting Minutes
- F. Program Manager's Report - Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs

*(Continued)*

- G. Review and Discuss 2019 Legislation
  - 1. Assembly Bill (AB) 312 (Cooley) State Government: Administrative Regulations: Review
  - 2. AB 476 (B. Rubio) Department of Consumer Affairs: Task Force: Foreign-Trained Professionals
  - 3. AB 544 (Brough) Professions and Vocations: Inactive License Fees and Accrued and Unpaid Renewal Fees
  - 4. AB 613 (Low) Professions and Vocations: Regulatory Fees
  - 5. AB 1076 (Ting) Criminal Records: Automatic Relief
  - 6. Senate Bill (SB) 53 (Wilk) Open Meetings
  - 7. SB 601 (Morrell) State Agencies: Licenses: Fee Waiver
  - 8. SB 608 (Glazer) Architects
- H. Discuss and Possible Action on the California Department of Water Resources, Model Water Efficient Landscape Ordinance (MWEL0)
- I. Discuss and Possible Action on 2019-2021 Strategic Plan Objective to Research the Feasibility of Requiring a License Number on All Correspondence and Advertisement Platforms to Inform and Protect Consumers and Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Section 2671 Public Presentments and Advertising Requirements
- J. Review and Possible Action on Assessment of Initial Landscape Architect License Fee
- K. Review and Possible Action on the University of California Extension Certificate Program Subcommittee's Recommendation to Amend CCR, Title 16, Division 26, Section 2620.5 Requirements for an Approved Extension Certificate Program
- L. Review and Ratification of Contract With Cedars Business Services, LLC for Debt Collection Services to Collect Outstanding Administrative Fines and Cost Recoveries
- M. Review of Future LATC Meeting Dates
- N. Adjournment

*(Continued)*

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public. The LATC plans to webcast the meeting on its website at [latc.ca.gov](http://latc.ca.gov). Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend the physical location.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)). The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

**Person:** Blake Clark

**Telephone:** (916) 575-7236

**Email:** [Blake.clark@dca.ca.gov](mailto:Blake.clark@dca.ca.gov)

**Telecommunication Relay Service:** Dial 711

**Mailing Address:**

Landscape Architects Technical Committee

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

***Protection of the public shall be the highest priority for the LATC in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5620.1).***

## **Agenda Item A**

### **CALL TO ORDER - ROLL CALL - ESTABLISHMENT OF A QUORUM**

Roll is called by the Landscape Architects Technical Committee (LATC) Vice Chair or, in his/her absence, by an LATC member designated by the Chair.

#### LATC MEMBER ROSTER

Marq Truscott, Chair

Andrew Bowden, Vice Chair

Susan M. Landry

Patricia Trauth

Jon Wreschinsky



## **Agenda Item B**

### **CHAIR'S PROCEDURAL REMARKS AND LATC MEMBER INTRODUCTORY COMMENTS**

LATC Chair Marq Truscott or, in his absence, the Vice Chair will review the scheduled LATC actions and make appropriate announcements.

## **Agenda Item C**

### **UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA)**

A member of DCA Board and Bureau Relations will provide the Committee with an update on the DCA.

## **Agenda Item D**

### **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Members of the public may address the Committee at this time.

The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

Public comments will also be taken on agenda items at the time the item is heard and prior to the Committee taking any action on said items. Total time allocated for public comment may be limited at the discretion of the Committee Chair.

## **Agenda Item E**

### **REVIEW AND POSSIBLE ACTION ON FEBRUARY 8, 2019 LATC MEETING MINUTES**

The Landscape Architects Technical Committee (LATC) is asked to review and take possible action on the attached February 8, 2019 LATC Meeting Minutes.

Attachment:

February 8, 2019 LATC Meeting Minutes (Draft)



## Minutes

### CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

February 8, 2019  
Los Angeles, California

#### Landscape Architects Technical Committee (LATC) Members Present

Marq Truscott, Chair  
Andrew Bowden, Vice Chair  
Susan M. Landry  
Patricia Trauth

#### LATC Member Absent

David Allan Taylor, Jr.

#### Staff Present

Laura Zuniga, Executive Officer (EO)  
Vickie Mayer, Assistant EO  
Trish Rodriguez, Program Manager  
Cheri Gyuro, Public Information Officer, Department of Consumer Affairs (DCA or Department)  
Kourtney Nation, Examination Coordinator  
Tara Welch, Attorney III, DCA

#### Guests Present

Dean R. Grafilo, Director, DCA  
Tracy Morgan Hollingworth, California Council of American Society of Landscape Architects (CCASLA)  
Stephanie Landregan, Director of the University of California, Los Angeles (UCLA) Extension, Landscape Architecture Program  
Ron Ruiz, UCLA Extension Alumni  
Allan Spulecki, UCLA Extension Alumni

#### **A. Call to Order – Roll Call – Establishment of a Quorum**

LATC Chair Marq Truscott called the meeting to order at 11:00 a.m., and Vice Chair Andrew Bowden called roll. Four members of LATC were present, thus a quorum was established.

**B. Chair's Procedural Remarks and LATC Member Introductory Comments**

Mr. Truscott began by announcing that a voluntary sign-in sheet was located at the back of the room should attendees want to be recorded in the official minutes of the meeting. He noted that Agenda Item D would be taken before Agenda Item C and Agenda Item E would be presented at 1:30 p.m. Mr. Truscott shared that lunch would arrive at noon and that the LATC would have a working lunch. He added that David Allan Taylor, Jr. has completed his service as an LATC member and that Jon Wreschinsky has been appointed to fill the vacancy.

**D\*. Update on the Department of Consumer Affairs (DCA) – Dean R. Grafilo, DCA Director**

DCA Director, Dean R. Grafilo provided an update on current DCA activity. His presentation highlighted DCA's accomplishments and activities of 2018. He encouraged the Committee to visit the DCA website and review the 2018 Annual Report. Mr. Grafilo also shared that Governor Gavin Newsom released his proposed budget for Fiscal Year (FY) 2019-20 on January 10, 2019. He added that the LATC and the Board are currently going through Sunset Review and that the DCA Office of Board and Bureau Relations is available to assist in that effort.

Mr. Bowden questioned if the Board and LATC Sunset Review Hearings would be held together. Laura Zuniga responded that the hearings would be combined and that herself, Program Manager Trish Rodriguez, LATC Chair Mr. Truscott and the Board President Sylvia Kwan would be attending. She added that before the hearing the Board would receive a Background Paper outlining any possible issues that may be addressed at the hearing.

**C. Public Comment on Items Not on the Agenda**

Ms. Rodriguez informed the Committee that seven public comment emails were received in reference to Agenda Item H regarding the requirements for an approved Extension Certificate Program.

**F. Review and Possible Action on December 6-7, 2018 LATC Meeting Minutes**

**Andrew Bowden moved to approve the December 6-7, 2018 LATC Meeting Minutes.**

**Susan M. Landry seconded the motion.**

Ms. Rodriguez noted that a minor technical revision is necessary to correct the dates of the referenced Strategic Plan on page 10.

**Andrew Bowden amended his motion to approve the December 6-7, 2018 LATC Meeting Minutes with the technical correction.**

**Susan M. Landry seconded the amended motion.**

**Members Bowden, Landry, Truscott, and Chair Trauth voted in favor of the motion. Member Taylor was absent. The motion passed 4-0.**

**G. Program Manager's Report – Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs**

Ms. Rodriguez reported that the next Board meeting would be held on February 27, 2019. She provided an update on the Business Modernization efforts, explaining that 30 As-Is Workshops have already been completed and preparation for the next phase of Could-Be Workshops is underway.

Ms. Rodriguez noted that recruitment is underway for the Special Projects Analyst position at both the Staff Services Analyst and Associate Governmental Program Analyst levels. She also shared that on January 1, 2019 LATC transitioned from pro-rated initial license fees to a flat \$400 license fee. Mr. Bowden asked if the change had been discussed by the Committee. Ms. Rodriguez responded that because the fees outlined in the previous Initial License Fee Chart were not fully congruent with the regulations, staff worked with DCA legal counsel to determine a more streamlined process under which all applicants for initial licensure would pay the same fee for a full two-year license in lieu of a proration. Mr. Bowden questioned if the initial license fee had increased from \$220 to \$400. Ms. Rodriguez replied that renewal fees are currently set at \$220 and initial license fees are \$400.

Ms. Rodriguez announced that presentations on the LATC's social media plan and proposed amendments to California Code of Regulations (CCR) section 2620.5 would be provided later in the meeting.

Ms. Landry expressed concern with the fine charged to Geoffrey George Fujimoto, outlined on page 9 of the December 2018 Monthly Report, as she felt it was too lenient for his actions. Ms. Zuniga explained that this case was based on an advertisement violation and that no consumer was involved.

Tara Welch provided an update to the status of the regulatory package for CCR sections 2615 and 2620, announcing that staff submitted the package to the DCA Legal Office for review on February 7, 2019. She added that the section 100 change to CCR sections 2624 and 2624.1 was approved by the Office of Administrative Law on January 31, 2019.

Tracy Morgan Hollingworth questioned how Senate Bill 1480 which changes the frequency of boards to meet from three times a year to two times a year, will affect the LATC. Patricia Trauth responded that LATC may meet more frequently and that it currently meets four times per year.

Stephanie Landregan expressed that a \$400 initial license fee may discourage people from becoming licensed and asked if the LATC would consider a tiered initial license fee. Ms. Welch advised the Committee that fees are commonly based on fee studies and can be changed when a fee study warrants it. Mr. Bowden clarified that the current renewal fee is temporarily reduced due to a budget surplus and that the initial license fee of \$400 should not discourage applicants because their earning potential will increase once they receive the license. Being this item was not on the meeting agenda, Mr. Truscott directed staff to prepare an update for a future meeting that summarizes the current LATC license fee structure and when LATC is expected to return from a reduced renewal fee to the full fee.

**H. Review and Possible Action on Extension Certificate Program Subcommittee's Recommendation to Amend California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5 Requirements for an Approved Extension Certificate Program**

Mr. Bowden expressed a possible conflict of interest due to his membership as the Chair on the UCLA Landscape Architecture Guidance Committee and recused himself from the discussion.

Mr. Truscott explained that, in November 1991, the Board of Landscape Architects adopted CCR, title 16, section 2620.5, formally establishing requirements for Board approval of extension certificate programs, based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB). He added that since the LAAB implemented changes to its accreditation standards in 2009, the LATC has been in the process of pursuing changes to section 2620.5. Mr. Truscott reminded the Committee that at their December 6, 2018 meeting, the LATC reviewed the current provisions of section 2620.5 and decided to create a subcommittee tasked with preparing recommended regulatory changes for the Committee to consider. He added that the subcommittee, comprised of himself and Ms. Landregan, developed recommended changes to section 2620.5 for the LATC's consideration at this meeting. Mr. Truscott clarified that the recommendations outlined in the meeting materials pertain to curriculum requirements, instructional personnel requirements, submittal requirements for Board approval/renewal of approval, and site visit requirements. He then requested the Committee to review and consider the subcommittee's recommendations outlined in the meeting materials and determine how to proceed. Mr. Truscott noted that the LATC received seven public comment emails in support of the subcommittee's recommendations.

Ms. Trauth questioned the subcommittee's recommendation to amend instructional personnel requirements outlined in section 2620.5(m)(1) to include allowance for approved extension certificates. Ms. Landregan explained that since approved extension certificates are considered a valid form of education in California, changing the regulation to allow instructional personnel with approved extension certificates would ensure that qualified individuals, holding approved extension certificates, would be allowed to teach in extension certificate programs. Ms. Welch clarified that the current regulation does not prevent individuals with extension certificates from teaching in extension certificate programs, it only requires that at least one half of a program's instructional personnel shall hold a professional degree in landscape architecture. She inquired why an extension certificate program would need more instructional personnel with extension certificates than professional degrees in landscape architecture. Ms. Landregan explained that most educational programs do not hire their graduates back to teach as it does not broaden the instructional core but that there are instances when an individual's experience qualifies for a teaching position. Ms. Landry expressed concern with accepting extension certificates alone as they are not equivalent to professional degrees in landscape architecture. She suggested amending the regulation to allow an extension certificate and another degree in lieu of a professional degree in landscape architecture. Ms. Landregan clarified that the UCLA Extension program offers most of what a master's program in landscape architecture provides. She added that the UCLA Extension program only allows a few conditional admissions of individuals who do not have an undergraduate degree but instead have experience in landscape construction. Ms. Landregan clarified that these applicants are admitted because California allows licensure to individuals with landscape construction experience and an approved extension certificate. Ms. Zuniga questioned how many students are admitted with landscape construction experience in lieu of a degree. Ms. Landregan responded that each year her program accepts about three students without a



degree. She added that it is not common because these individuals may not have study habits and therefore the program can be difficult for them. Ms. Landry added that since most of the extension program students have a degree in another field, it would be reasonable to amend the regulation to allow instructional personnel with an approved extension certificate and a degree in another field. She continued that this would prevent the LATC from diluting the current educational requirement of instructors set by the regulation.

Ms. Welch asked that if instructional personnel are allowed to hold an extension certificate, what other education or experience would they need to demonstrate that they are qualified for the position. She added that this change would potentially allow professors to have an extension certificate only. Mr. Truscott added that there are many faculty that are not licensed. Ms. Landry asked how many instructors are currently on staff at UCLA Extension. Ms. Landregan responded that there are currently 32 instructors. She added that about 10 percent of the instructor core have a degree in a field other than landscape architecture and about 20 percent are not licensed landscape architects.

Ms. Landry opined that if the Committee moves forward with the subcommittee's recommendation to amend section 2620.5(m)(1) to allow extension certificates, a degree should be required in addition to the certificate. Ms. Welch clarified that requiring only an extension certificate would create the possibility for half of a program's instructors to hold an extension certificate and have landscape construction experience but no degree. Ms. Landregan opined that the breadth of the extension certificate is comparable to a master's degree. She suggested that no more than 10 percent of instructors be allowed to hold an extension certificate.

Mr. Truscott opened the discussion up to public comment. UCLA Extension alumni, Ron Ruiz, introduced himself. He stated that the UCLA Extension program is a rigorous program with effective instructors and unique class schedules. He shared that he was present at the meeting to express his support of the program.

Ms. Landry pointed out that the subcommittee's recommended changes to section 2620.5 would not only affect UCLA Extension but would also pertain to any program that would seek to obtain Board approval. She added that in the City of Campbell there are two community colleges that may be interested in becoming certified. Ms. Landry continued that her concern is that while UCLA has a great program, this regulation will affect any program requesting certification. She asked what would happen in the future if the LATC received applications from associate programs. Mr. Truscott asked if Ms. Landry would be more comfortable with a descriptor requiring a terminal degree. Ms. Landry agreed and suggested accepting an approved extension certificate in landscape architecture and a degree in another field to maintain the quality of instructional personnel. Ms. Welch added that her concern with the proposed change is that it would open the possibility where half of a program's instructional personnel hold an extension certificate and a degree in a field other than landscape architecture. She added that LATC must have confidence in the education program to try and ensure that all students going through the program are getting enough variety or background in landscape architecture. Ms. Welch continued that LATC must ensure that both educational backgrounds provide sufficient education for the students completing the programs. She added that the potential for half of a program's instructors to have all the same background must be justifiable. Ms. Landregan stated that if the instructional personnel requirements are too narrow it will make hiring qualified staff more difficult. She added that no other academic institution in the US is required to hire licensed

instructors. Ms. Landregan explained that it would help if she could include in that 50 percent some of the very qualified individuals with extension certificates. She continued that, if the Committee does not include acceptance of an extension certificate in lieu of a degree in landscape architecture, she would rather the LATC not amend section 2620.5(m)(1) because it would further limit her ability to hire instructors.

Mr. Truscott suggested making a motion today or tabling this discussion for another meeting when the new LATC member can provide input on the issue. Ms. Landry expressed support for tabling the discussion. She added that since this regulation applies to any program in this state that wants to be approved, tabling it to allow for input from the new LATC member would be beneficial. Mr. Truscott suggested approving all of the subcommittee's recommendations except for the recommended change to section 2620.5(m)(1). Ms. Welch recommended that the Committee review proposed regulatory language so that it is clear what exactly is being approved. Mr. Truscott recommended directing staff to prepare proposed regulatory language to amend CCR section 2620.5 that reflects the subcommittee's recommended changes, without the proposed change to instructional personnel requirements, for the Committee's review and approval with the additional Committee member. Ms. Landregan and Landry voiced support for Mr. Truscott's suggestion. Ms. Trauth agreed and added that she would like for the Committee to finalize the regulatory changes at the next meeting. Mr. Truscott directed staff to prepare proposed regulatory language to amend section 2620.5 that reflects the subcommittee's recommended changes without the proposed change to instructional personnel requirements and agendaize the proposal for the next LATC meeting.

**I. Review and Possible Action on Amendments to CCR, Title 16, Division 26, Article 1, Sections 2680 Disciplinary Guidelines, 2655 Substantial Relationship Criteria, and 2656 Criteria for Rehabilitation**

Ms. Welch explained that the proposed rulemaking would implement Assembly Bill (AB) 2138 which aims to reduce barriers to licensure for individuals with a criminal history. She added that this bill requires every board to adopt rehabilitation criteria to apply to an applicant or licensee when determining if they have been rehabilitated and are then safe to practice landscape architecture. Ms. Welch presented that DCA developed a template using regulations adopted by most of the boards and provided the proposed revisions to LATC's substantial relationship criteria for the Committee's consideration. She expanded that the proposed revisions add three criteria that DCA is recommending be adopted, as well as a provision that would include any violation of another state or federal law governing the practice of landscape architecture. Ms. Welch explained that to the extent that a violation is not specifically covered under the landscape architecture law of California, any other state or federal law that relates to landscape architecture would also be used to determine if the violation is substantially related to the practice. She continued that the proposal also adds Business and Professions Code (BPC) section 141, which provides that disciplinary action taken against a California licensee by another jurisdiction, for any act substantially related to the practice, may be a ground for disciplinary action by the respective state licensing board. Ms. Welch explained that the LATC has two options to amend CCR section 2656 (Criteria for Rehabilitation). She stated that when considering denying an application, Option 1 would allow the Board to either determine that successful completion of criminal probation or parole demonstrates completed rehabilitation and the Committee would not have to consider any other acts outside of successful completion of probation. Ms. Welch added that alternatively, the Board could have the freedom to consider the successful completion of parole and other criteria to

demonstrate rehabilitation. She continued that courts have typically rendered successful completion of probation insufficient to accurately determine successful rehabilitation because an individual who is under the close supervision of criminal courts will strive to be successful more so during probation. Ms. Welch stated that courts consider successful completion of probation with other rehabilitation criteria, a better barometer of an individual's achieved rehabilitation. She directed the Committee to the proposed language included in the meeting materials and noted that subsections (a) and (b) are aimed at applicants while subsections (c) and (d) are for licensees. She added that LATC must consider whether practicing landscape architecture safely for the public health, safety, and welfare would require looking at criminal probation and the additional rehabilitation criteria. Ms. Trauth inquired if the proposed regulatory language had been reviewed by the Board. Ms. Welch responded that the Board had not yet seen the proposed regulatory language. Mr. Bowden asked what additional steps could be required of an individual under the proposed regulation. Ms. Trauth questioned how the review of an individual's rehabilitation would potentially be conducted. Ms. Welch replied that currently when a formal accusation is filed against a licensee, or a statement of issues is filed against an applicant, alleging either denial of an application for licensure or suspension or revocation of a license based upon the criminal conviction, the applicant or licensee can then approach the Board to request an agreement to obtain or retain a license. She added that if an agreement is made, the individual can enter into a stipulated settlement with the Board allowing the applicant or licensee to practice under specified probationary terms. Ms. Welch clarified that AB 2138 only allows for a review of criminal convictions and disciplinary actions that occurred within the last seven years.

Mr. Truscott asked when DCA is expecting all licensing boards to file regulatory changes to implement AB 2138. Ms. Welch responded that the DCA template was developed in early January and boards are expected to review the proposed regulatory changes at their first meeting of the year. She added that all boards need to submit their final proposal to DCA by the end of May and that the regulation changes must be in place by July 1, 2020. Mr. Bowden noted that the LATC does not have the authority regarding enforcement decisions and can only make a recommendation to the Board on this proposal. He added that he would recommend Option 1. Ms. Welch noted that minor revisions to the proposed regulatory language are required to ensure uniformity within the Practice Act. She clarified that all references to the BPC should be changed to instead refer to the "Code" because that term is defined elsewhere in the regulations under CCR section 2602. She added that, for conformity with other regulations, the term "subdivision" used in CCR section 2656(d) should be revised to state "subsection."

Ms. Welch then informed the members that to comply with AB 2138, changes to the Disciplinary Guidelines are necessary to reflect proposed changes to CCR sections 2655 and 2656. Ms. Landregan questioned what the staff and cost impacts will be to implement the regulatory changes. Ms. Welch responded that this applies to all boards and that there was opposition due to the staff time and cost associated. She explained that the statutes will no longer allow boards to ask applicants if they have a criminal conviction. She clarified that the Board is one of the few boards within DCA that may continue asking the conviction question because the Board does not currently have a fingerprinting requirement. Ms. Welch added that because of this, the Board and Committee should not experience significant changes in cost. She stated that other boards that are unable to ask the conviction question will have to conduct additional reviews and investigations to gather necessary information regarding an applicant's criminal history. She added that with the additional reviews, investigation and staff time will probably increase as well as the cost to investigate. Ms. Landregan asked what the consequence would be should an applicant or licensee

fail to comply with the rehabilitation criteria. Ms. Welch responded that potentially they would not receive a license, or their license would be revoked. Mr. Bowden clarified that the Committee is tasked to choose between the two options for amending CCR section 2656. Ms. Welch clarified that the Committee's recommendation would be for the Board to adopt substantial relationship criteria, and rehabilitation criteria as outlined in either Option 1 or 2. Mr. Truscott noted that the Committee could decide to let the Board determine which option to choose. Ms. Landry recommended following the Board's direction.

**Andrew Bowden moved to approve the proposed regulatory amendments to CCR sections 2655 (Substantial Relationship Criteria), 2656 (Criteria for Rehabilitation) Option 1, and 2680 (Disciplinary Guidelines) along with the revisions to the *Disciplinary Guidelines* as presented with minor technical revisions as noted by DCA Legal Counsel Tara Welch.**

**Patricia Trauth seconded the motion.**

**Members Bowden, Landry, Trauth, and Chair Truscott voted in favor of the motion. Member Taylor was absent. The motion passed 4-0.**

**J. Review and Possible Action to Approve Fiscal Year 2019-20 Intra-Departmental Contract with Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development**

Ms. Rodriguez presented that the current Intra-Departmental Contract with OPES for CSE development will expire on June 30, 2019 and a new contract is required for FY 2019-20. She noted that for this examination development cycle only, OPES recommends reducing the number of examination development workshops from six to three. Ms. Rodriguez added that following completion of an Occupational Analysis in FY 2020-21, OPES recommends continuing with four examination development workshops per exam cycle. Mr. Bowden asked how the proposed contract for FY 2019-20 compared to the contract for FY 2018-19. Ms. Rodriguez confirmed that the cost of the proposed contract is less than the cost of the previous contract. Ms. Landry asked about the cost of the previous contract. Kourtney Nation replied that the total cost of the previous contract was about \$35,000.

Ms. Landry asked if the CSE reference materials have been updated. Ms. Rodriguez replied that a review of the reference materials has been conducted and the new reference material list will be updated in the CSE Candidate Guide shortly. Ms. Landry asked how the new reference material list will affect the CSE questions that are already created. Ms. Nation replied that OPES was able to connect the prepared CSE questions with new reference materials from the updated list.

Ms. Landregan asked if the CSE was available online. Ms. Rodriguez replied that the exam is computer-based but not web-based. Ms. Landregan asked when the CSE is offered. Ms. Nation replied that the CSE is offered year-round, dependent on testing site availability.

**Andrew Bowden moved to approve the Intra-Departmental Contract with OPES for CSE development for FY 2019-20.**

**Susan M. Landry seconded the motion.**

**Members Bowden, Landry, Trauth, and Chair Truscott voted in favor of the motion. Member Taylor was absent. The motion passed 4-0.**

**K. Review and Possible Action on Draft 2019-2021 Strategic Plan**

Ms. Rodriguez reported that on December 7, 2018 the LATC participated in a session to update its Strategic Plan. She directed the Committee to the attached draft Strategic Plan for their review and possible approval. Mr. Truscott expressed support for the plan to be for three years.

Ms. Welch proposed revising objective 4.2 on page 11 of the draft plan to state, “Develop an online tutorial to clarify the licensure process for candidates.”

Ms. Landry expressed concern regarding privacy issues in social media, and the public and professional outreach goals outlined in the draft Strategic Plan which focus on social media. She suggested adding email communication when conducting outreach efforts. Ms. Zuniga added that the information shared via social media can also be provided to individuals on the LATC interested parties email list. Mr. Truscott clarified that Ms. Landry’s concern was to ensure that LATC maintains appropriate avenues for distributing information to licensees and candidates who are not using social media. Ms. Landry agreed and added that this service should extend to the public as well and that the information shared on social media should be the same as what is distributed by email. Ms. Rodriguez added that later in the meeting a presentation would be given on the LATC’s social media content strategy.

Ms. Landregan expressed support for the draft Strategic Plan and asked if a timeline had been established to complete the specified goals. Ms. Rodriguez responded that DCA SOLID offers timeline mapping assistance for LATC’s consideration. Ms. Trauth expressed interest in establishing a structured timeline to accomplish the Strategic Plan objectives. Mr. Truscott noted that the topic could be added to a future meeting agenda. Ms. Zuniga added that the Board is presented with an annual update on the progress of Strategic Plan objectives. Mr. Truscott asked the Committee members if they wanted to identify the top three objectives at a future meeting. Ms. Landry agreed and added that she would also like to designate a percentage of the objectives that should be accomplished within each year. Mr. Truscott proposed that the Committee adopt the Strategic Plan and then prioritize the objectives at the next meeting with the new LATC member. Ms. Landry suggested that the Committee adopt the Strategic Plan with the minor technical revision to objective 4.2 suggested by Ms. Welch. Ms. Welch clarified that the Committee is requested to adopt the Strategic Plan as a three-year plan with her suggested revision.

**Patricia Trauth moved to approve the draft Strategic Plan for three years with minor technical revisions as noted by DCA Legal Counsel Tara Welch.**

**Susan M. Landry seconded the motion.**

There were no comments from the public.

**Members Bowden, Landry, Trauth, and Chair Truscott voted in favor of the motion. Member Taylor was absent. The motion passed 4-0.**

**L. Discuss and Possible Action on 2019-2021 Strategic Plan Objective to Amend CCR, Title 16, Division 26, Article 1, Section 2603 (Delegation of Certain Functions) to Align with the California Architects Board's Delegation of Certain Functions, CCR, Title 16, Division 2, Article 1, Section 103**

Ms. Rodriguez stated that the proposed regulatory language in the meeting packet would align LATC practices with the Board. She explained that CCR section 2603 does not allow for the EO to approve LATC settlement agreements for the revocation or surrender of a license, whereas the Board's CCR section 103 allows the EO to approve such settlement agreements on the Board's behalf. She added that the LATC recently had a Stipulated Surrender of License in which the surrender of license as outlined in CCR section 2603 required Board approval. Ms. Rodriguez explained that by amending CCR section 2603 to align with the Board's delegation authority outlined in CCR section 103, a revocation or surrender of a license, in which both parties agree to the action, could effectively be approved by the EO. She added that the Committee is asked to review and recommend to the Board approval of the proposed amendments to CCR section 2603.

**Susan M. Landry moved to recommend that the Board approve the proposed amendments to CCR section 2603 as presented.**

**Andrew Bowden seconded the motion.**

**Members Bowden, Landry, Trauth, and Chair Truscott voted in favor of the motion. Member Taylor was absent. The motion passed 4-0.**

**E\*. Presentation on the University of Southern California Landscape Architecture Program (Esther Margulies, Associate Professor of Practice, Interim Director Landscape Architecture + Urbanism)**

Esther Margulies welcomed the Committee to the University of Southern California (USC) campus. She shared that the Landscape Architecture + Urbanism program is currently recruiting for a new Director. Ms. Margulies provided the Committee members and members of the audience with brochures including the program's offerings. She then provided a brief overview of the program's history and accreditation status. Ms. Margulies added that the program currently includes 45 students and 13 faculty. She specified that the program offers a three-year master's degree and is currently accepting new students. Ms. Margulies then provided a description of the curriculum requirements and structure of the master's program.

Ms. Landry questioned if the program teaches irrigation. Ms. Margulies responded that the program does not cover irrigation and she shared that in her own landscape architecture practice she prefers to hire irrigation specialists. She added that her goal is to teach the program's students literacy in the fundamentals of irrigation design.

Ms. Trauth commented that as a manager of landscape architects it is frustrating when recent graduates need training in AutoCAD. Ms. Margulies shared that since she started her position with USC, the program has added training in AutoCAD to their courses on construction documents. She added that academic programs are still trying to determine how to incorporate the various design programs into their curriculums. Ms. Landregan added that the LAAB requirements do not include irrigation.

**M. Discuss and Possible Action on the 2019-2021 Strategic Plan Objective to Develop a Social Media Content Strategy to Inform the Public**

Ms. Rodriguez reminded the Committee that the Strategic Plan contains an objective focused on developing a social media content strategy to inform the public about the Committee's resources, information, and regulations. She added that on January 7, 2019 staff met with the DCA Office of Public Affairs (OPA) to develop a social media content strategy that includes: 1) strategic objectives and goals; 2) target audiences and topics; 3) recommendations to enhance LATC's social media presence; 4) examples of social media posts; and 5) a timeline to begin implementing LATC's social media plan. Ms. Rodriguez mentioned that LATC staff also attended an initial training on January 24, 2019 covering introduction to social media, etiquette and best practices, and the tools and techniques for managing the LATC Twitter account. She then introduced DCA Public Information Officer Cheri Gyuro and announced that Ms. Gyuro would provide an overview of the proposed LATC Social Media Communications Plan. Ms. Gyuro presented that one of the main goals of the plan is to get more people involved with the LATC's social media so that California's rules and regulations governing landscape architecture are better understood. She added that LATC can increase social media traffic by constantly being active online. She continued that other important steps are to polish the LATC Twitter page and increase the number of tweets and followers. Ms. Gyuro shared that LATC aims to send out a few tweets every month. She explained that LATC's target audiences are landscape architect licensees, architect licensees, consumers, students, professors and candidates. She stated that the content shared on social media should include information on the latest in technology, professional news, regulations, meeting notifications, outreach events, and more. Ms. Gyuro then presented the LATC Twitter account page and demonstrated the changes she had recently implemented including updating the background picture and altering the LATC logo image to enhance the look of the page. She also informed the Committee that she had started sending tweets with approval from Ms. Rodriguez. Ms. Gyuro shared that she is also working on a social media best practices guide for all boards and bureaus. She highlighted the LATC's recent Twitter activity and demonstrated the Twitter account analytics page that summarizes LATC's Twitter activity. She added that the LATC's increased Twitter activity in January generated new followers and user impressions. Ms. Gyuro recommended updating the Twitter account background image quarterly. Mr. Truscott suggested requesting followers to submit images for LATC's use. Ms. Landry suggested changing the Twitter account background monthly. Ms. Trauth stated that there is currently an issue on social media platforms where landscape designers are grouped in categories with landscape architects and asked if there was a possible solution to this problem. Ms. Gyuro suggested posting clarifying information on LATC's social media accounts. Ms. Trauth suggested reaching out to the social media companies to clarify the difference between landscape designers and landscape architects.

**N. Demonstration of New LATC Website Features**

Ms. Nation reminded the Committee that prior to the launch of the new LATC website in October 2018, the Committee was provided an overview of the developmental website for their review and input. She added that at that time the Committee had requested staff to make minor changes to the License Search, Enforcement Actions, and Subscribe for Email Alerts buttons; the About Us section; and the Practice Act link on the homepage. Ms. Nation demonstrated that those changes had since been implemented. She then provided an overview of the information available on the LATC website for consumers, candidates and licensees. The Committee agreed to adding

information regarding the CSE to the LATC homepage. Ms. Rodriguez added that in May LATC will launch an online credit card license renewal process that the Board had recently launched for architects. Mr. Bowden questioned why the Contractors State Licensure Board (CSLB) licensure information is not available in the new DCA license verification system. Vickie Mayer clarified that CSLB has their own separate license verification system. Ms. Zuniga recommended adding a link that would direct users from the DCA license verification page to the CSLB license verification system.

**O. Review Tentative Schedule and Discuss Future LATC Meeting Dates**

Ms. Rodriguez announced tentative future meeting dates as:

Thursday, May 23, 2019, in Campbell  
Tuesday, August 13, 2019, in Chula Vista  
Friday, November 8, 2019, in Sacramento

**P. Adjournment**

The meeting adjourned at 2:45 p.m.

*\*Agenda Items were taken out of order to accommodate guest speakers. The order of business conducted herein follows the transaction of business.*



## **Agenda Item F**

### **PROGRAM MANAGER'S REPORT – UPDATE ON LATC'S ADMINISTRATIVE/ MANAGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS**

The California Architects Board and Landscape Architects Technical Committee's (LATC) April 2019 Monthly Report provides a synopsis of current activities and is attached for the LATC's review.

#### Attachments:

1. Monthly Report (April 2019)
2. Enforcement Report
3. California Architects Board February 27, 2019 Meeting Notice



# MEMORANDUM

<b>DATE</b>	May 1, 2019
<b>TO</b>	Board and Landscape Architects Technical Committee (LATC) Members
<b>FROM</b>	Laura Zuniga, Executive Officer
<b>SUBJECT</b>	<b>Executive Officer Report</b>

The following information is provided as an overview of Board activities and projects as of April 30, 2019.

## ADMINISTRATIVE/MANAGEMENT

Board The Board’s next meetings are planned for June 12, 2019, (California Polytechnic State University, San Luis Obispo), September 11, 2019, (Bay Area), and December 11, 2019 (Sacramento).

Budget In July 2017, the Department of Consumer Affairs (DCA) implemented the FI\$Cal system, the statewide system for budgets, accounting, and procurement that the State of California has implemented for all state departments. While DCA has experienced one full fiscal year (FY) using the system and is fast approaching the end of a second year, the transition continues to pose challenges in the reconciliation and closing of FY 2017-18. It was projected that year-end financial statements would start being produced in March 2019; however, additional reconciliation requirements have impacted the estimated timeline. The final financial reports for FY 2017-18 are expected after June 30, 2019. Staff continuously monitor the Board’s budget with the DCA Budget Office staff. Once the final reports are available, a budget update will be provided to the Board.

Business Modernization In December 2017, the Board, in collaboration with the DCA, finalized its Business Modernization Plan (Plan) to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform.

Key elements of the Plan specific to the needs of the Board and LATC include: 1) Business Activities, 2) Project Approval Lifecycle, and 3) System Implementation. Business Activities are scheduled from October 2018 through October 2019, the Project Approval Lifecycle from July 2019 through November 2020, and System Implementation from November 2020 through November 2022. The initial mapping of “As-Is” business processes is being prepared by DCA Office of Change Management for Board review and approval. The next “Could-Be” business mapping phase commenced in April.

The approach will take time and address the delayed implementation of a new platform. The Board and LATC pursued a stop gap measure to accept online credit card payments for license renewal applications, our highest volume transaction. The acceptance of online credit card payments for license renewal launched on February 5, 2019, for the Board and on April 23, 2019, for LATC. An email announcement was sent to Board licensees on February 28, 2019 advising them of the new payment option. A mailing insert providing the new payment option was included with the Board's renewal notices for licenses expiring on June 30, 2019 and beyond. The Board also made announcements on Facebook and Twitter regarding the additional payment method. The LATC also announced via email to its interested parties list and to licensees for which email addresses were available and due to expire by July, and posted the announcement on Twitter. Mailing inserts will begin to be included with renewal notices in May, for LATC licenses expiring on August 31.

Communications Committee The next Communications Committee meeting is scheduled for May 14, 2019, in Sacramento. At this meeting, the Committee will begin work on its assigned 2019-2021 Strategic Plan objectives.

Executive Committee The Executive Committee held a teleconference meeting on January 31, 2019 at various locations. At this meeting the Committee considered a new Board logo and reviewed the Board Member Administrative Procedure Manual. The Committee's recommendations were considered by the Board at its February meeting. The next Executive Committee meeting has not been scheduled.

Newsletter The *California Architects* newsletter was published on December 19, 2018. The next issue of the newsletter is planned for publication in May 2019

Sunset Review The Board's and LATC's 2018 Sunset Review Reports were submitted to the Legislature on November 28, 2018. The hearing was held on March 5, 2019. The Board's and LATC's written responses to issues raised by the Legislature were submitted on April 3, 2019.

The Board/LATC's presentation received positive feedback from the committees (the Senate and Assembly policy committees met jointly to conduct the hearing).

Outreach Staff is working with DCA's Office of Publications, Design and Editing to design the *New Licensee Information Guide* for dissemination and inclusion in newly licensed packets to assist architects in understanding the Architects Practice Act (Act) and filing and notification requirements. The *Guide* will be disseminated new licensee packets beginning in May.

On February 15, 2019, the Board's architect consultants made a presentation at the 2019 American Institute of Architects (AIA) San Diego Large Firm Roundtable and discussed how they provide a bridge between the *Architects Practice Act* and real world of practice. The consultants further explained they respond to practice related questions from licensees, candidates building officials, consumers, attorneys, and Board staff; serve as expert witnesses; and assist Deputy Attorneys General in hearings before Administrative Law Judges. On February 28, 2019, Board staff Timothy Rodda, Examination/Licensing Analyst, and Robert Chase, Architect Consultant, also provided a presentation to the AIA, Central Valley Chapter at Cosumnes River College. They explained the Board's licensing requirements and the role of an architect. More than 30 individuals attended both presentations.

The 2019 Annual Business Meeting (ABM) of the California Building Officials Association (CALBO) was held the week of March 17, 2019, at the Mission Bay Spa and Marina in San Diego. This was the 57<sup>th</sup> annual meeting of the organization. As we have for the past 20 years, the Board sponsored a vendor table as part of the Vendor/Exhibitor’s Program that was held during the key meeting days of the event. The Board’s architect consultants Bob Chase and Bob Carter staffed the Board’s table. This year’s program followed the new shortened format adopted at the 2013 ABM that worked very well for all the vendors.

The official attendance roster listed 270 attendees representing various building departments from throughout the state. In addition, there were service vendors that provide staff and support to various agencies and jurisdictions. The Board had over 25 documented direct contacts that included in depth conversations and numerous quick visits with attendees. Once again, the CALBO leadership came by our table to give us, the Board, a special thank you for participating and continuing our history of support to the organization.

We did not receive formal requests for chapter visitations but discussed the prospect of such with several attendees. There were three requests for a supply of our *Consumer’s Guide to Hiring an Architect* and the *Consumer Tips for Design Projects* for use on their public counters. One box, consisting of 300 each, were requested and sent to each city: Burbank, La Quinta, and Palm Springs.

Personnel Rikki Parks was selected to fill the Supplemental Examination Analyst position. Her first day at the Board was March 13, 2019.

Social Media The Board has expanded its social media presence to include three platforms, which are shown in the following table:

**Social Media Statistics (As of May 3, 2019)**

Platform	Posts	Current Followers	Followers 1Year Prior	Difference
Twitter (launched in 2014)	5	1,240	1,179	5%
Instagram (launched in 2016)	0	541	375	44%
Facebook (launched in 2017)	13*	106	53	100%

\* Data for February-April

Website In April, staff posted the notice for the April 18, 2019 Professional Qualifications Committee meeting and updated the California Supplemental Examination (CSE) reference materials for candidates. Staff is also reviewing documents on the Board’s website for compliance with the latest accessibility requirements mandated by Government Code (Gov.) section 11546.7. To assist in the efforts of developing accessible documents for the Board’s website, an initial

cohort of staff attended training on the subject. It is anticipated these staff will instruct others in their respective program on how to develop compliant documents.

### **Examination and Licensing Programs**

Architect Registration Examination (ARE) The pass rates for ARE divisions taken by California candidates between March 1–31, 2019, are shown in the following tables:

#### **March 2019 ARE 5.0**

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	74	35	47%	39	53%
Practice Management	181	77	43%	104	57%
Programming & Analysis	133	59	44%	74	56%
Project Development & Documentation	143	65	45%	78	55%
Project Management	103	67	65%	36	35%
Project Planning & Design	173	66	38%	107	62%

Pass rates for ARE divisions taken by California candidates during the previous calendar year (January 1, 2018 to December 31, 2018) are shown in the following tables:

#### **2018 ARE 5.0**

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	579	380	66%	199	34%
Practice Management	1,198	577	48%	621	52%
Programming & Analysis	890	413	46%	477	54%
Project Development & Documentation	1,159	537	46%	622	54%
Project Management	805	468	58%	337	42%
Project Planning & Design	1,481	585	40%	896	60%

National pass rates for 2018 ARE 5.0 are shown in the following table for comparison with California data:

**2018 California - National ARE Performance Comparison**

<b>DIVISION</b>	<b>CALIFORNIA</b>		<b>NATIONAL</b>	<b>DIFFERENCE</b>
	<b>Total</b>	<b>Passed</b>	<b>Passed</b>	
Construction & Evaluation	579	66%	51%	+15%
Practice Management	1,198	48%	62%	-14%
Programming & Analysis	890	46%	53%	-7%
Project Development & Documentation	1,159	46%	46%	0%
Project Management	805	58%	53%	+5%
Project Planning & Design	1,481	40%	70%	-30%

CSE On July 5, 2018, a regulatory package related to reducing the mandatory waiting period for candidates who fail the CSE was submitted to DCA for an initial analysis before submission to the Office of Administrative Law (OAL) for noticing – see Regulatory Proposals below. On December 1, 2018, the Board reduced the waiting period for those who fail the CSE. Eligible candidates may now schedule a retake appointment if it has been at least 90 days since their last attempt.

The current Intra-Departmental Contract with the OPES for examination development for fiscal year (FY) 2018/19 expires on June 30, 2019. On February 25, 2019, the current IAC was amended to include additional development workshops. Staff are coordinating the development of the FY 2019/20 contract.

The pass rates for the CSE taken by candidates between March 1 to April 30, 2019, the current FY aggregate, and the prior FY are displayed in the following tables:

**March and April 2019 CSE**

<b>CANDIDATE TYPE</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>		<b>TOTAL</b>
	Count	Percent	Count	Percent	
Instate First-time	94	73%	35	27%	129
Instate Repeat	42	55%	34	45%	76
Reciprocity First-time	28	58%	20	42%	48
Reciprocity Repeat	11	55%	9	45%	20
Relicensure First-time	0	0%	1	100%	1
Relicensure Repeat	0	0%	2	100%	2
<b>TOTAL</b>	<b>175</b>	<b>63%</b>	<b>101</b>	<b>37%</b>	<b>276</b>

**FY 2018/19 CSE  
(as of April 30, 2019)**

<b>CANDIDATE TYPE</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>		<b>TOTAL</b>
	Count	Percent	Count	Percent	
Instate First-time	359	63%	212	37%	571
Instate Repeat	136	55%	111	45%	247
Reciprocity First-time	113	54%	95	46%	208
Reciprocity Repeat	30	54%	26	46%	56
Relicensure First-time	3	30%	7	70%	10
Relicensure Repeat	1	33%	2	67%	3
<b>TOTAL</b>	<b>642</b>	<b>59%</b>	<b>453</b>	<b>41%</b>	<b>1095</b>

**FY 2017/18 CSE**

<b>EXAMINATIONS ADMINISTERED</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>	
	Total	Percent	Total	Percent
1,144	645	56%	499	44%

NCARB ARE Contract Staff is coordinating with DCA and NCARB to develop a new contract – which is required for ARE administration to candidates – that will run until June 30, 2022 and supersede the current contract set to expire on June 30, 2019.

NCARB Integrated Path to Architectural Licensure (IPAL) On February 27, 2019, Dr. Mitra Kanaani provided an update to the Board on the NewSchool of Architecture and Design IPAL programs. Following the presentation, IPAL students invited by Dr. Kanaani spoke to the Board and detailed their respective experiences in the NewSchool programs.

Professional Qualifications Committee (PQC) The PQC met in Sacramento on April 18, 2019. At the meeting, the PQC discussed 2019-2021 Strategic Plan objectives related to 1) continuing education (CE) requirements for license renewal; 2) opportunities for online submission of CE documentation; 3) conducting an occupational analysis; and 4) proposed amendments to California Code of Regulations (CCR) section 117 and other related regulations reflecting current licensing requirements.

Regulatory Proposals CCR Sections 124 (California Supplemental Examination) and 124.5 (Review of California Supplemental Examination) The Board approved proposed regulatory language to amend CCR sections 124 and 124.5 at its March 1, 2018, meeting and delegated authority to the Executive Officer (EO) to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board’s regulatory proposal for CCR sections 124 and 124.5:

- March 1, 2018 Proposed regulatory language approved by the Board
- June 12, 2018 Proposed regulation submitted to DCA Legal for prereview
- July 2, 2018 DCA Legal concluded prereview
- July 5, 2018 Proposed regulation submitted to DCA Legal for initial analysis
- April 26, 2019 Proposed regulatory language approved by Business, Consumer Services and Housing Agency

*CCR Sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation)* The Board approved proposed regulatory language to amend CCR sections 110 and 110.1 at its February 27, 2019, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.



Following is a chronology, to date, of the processing of the Board's regulatory proposal for CCR sections 110 and 110.1:

February 27, 2019	Proposed regulatory language approved by the Board
March 5, 2019	Proposed regulation submitted to DCA Legal for prereview
March 7, 2019	DCA Legal concluded prereview
March 8, 2019	Proposed regulation submitted to DCA Legal for initial analysis

## **Enforcement Program**

Architect Consultants Building Official Contact Program: Architect consultants are available on-call to Building Officials to discuss the Board's policies and interpretations of the Architects Practice Act (Act), stamp and signature requirements, and scope of architectural practice.

Education/Information Program: Architect consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees. In March and April, there were 233 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for 83 of the contacts and included inquiries regarding written contract requirements, out-of-state licensees seeking to do business in California, scope of practice relative to engineering disciplines, and questions about stamp and signature requirements.

Collection Agency Contract The Board's prior Strategic Plans contained an objective to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties and monitor effectiveness. With the assistance of DCA, staff finalized a contract with a collection agency for the period April 9, 2019 through April 8, 2022 through the informal solicitation method to allow the Board to refer unpaid citations and cost recoveries aged beyond 90 days. The collection agency contract will be presented to the Board at its June meeting.

<u>Enforcement Statistics</u>	<u>Current Month</u> April 2019	<u>Prior Month</u> March 2019	<u>FYTD</u> 2018/19	<u>Prior FY</u> 2017/18
<b>Complaints</b>				
Received/Opened (Reopened):	33 (0)	25 (0)	221 (1)	380 (2)
Closed:	31	27		334
Average Days to Close:	266 days	208 days	days	97 days
Pending:	151	149	*	161
Average Age of Pending:	207 days	141 days	days*	161 days
<b>Citations</b>				
Issued:	5	5	42	65
Pending:	7	11	32*	0
Pending AG: †	0	1	3*	0
Final:	3	6	39	58
<b>Disciplinary Actions</b>				
Pending AG:	6	5	6*	4
Pending DA:	1	0	1*	1

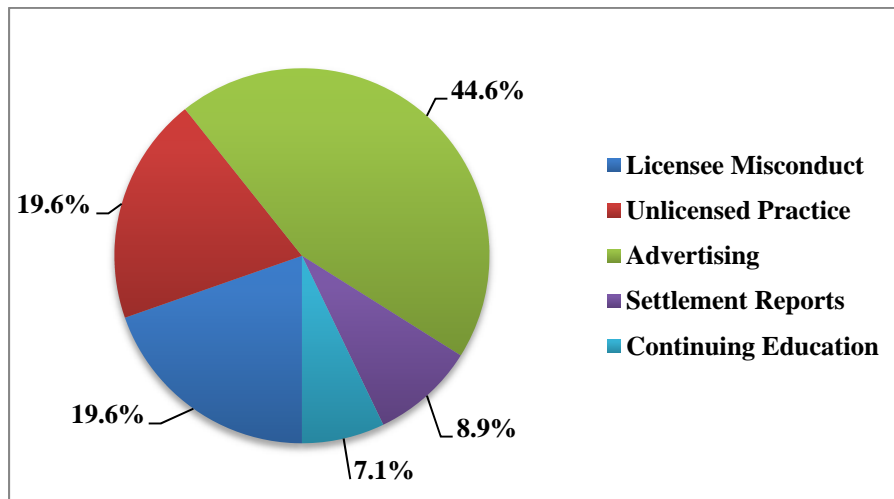
Final:	0	0	1	3
<b>Continuing Education (\$5600.05)**</b>				
Received/Opened:	2	2	16	32
Closed:	0	1	14	30
Pending:	2	1	3*	10
<b>Settlement Reports (\$5588)**</b>				
Received/Opened:	4	1	21	14
Closed:	0	0	19	14
Pending:	12	8	20*	0

\* Calculated as a monthly average of pending cases.

\*\* Also included within "Complaints" information.

† Also included within "Pending Citations."

Types of Complaints Received FYTD 2018/19 (as of April 30, 2019)



Closure of Complaints by FY

Type of Closure	FYTD 2018/19*	FY 2017/18	FY 2016/17
Cease/Desist Compliance	2	9	67
Citation Issued	42	64	30
Complaint Withdrawn	10	8	6
Insufficient Evidence	15	14	8
Letter of Advisement	80	157	99
No Jurisdiction	9	15	13
No Violation	53	40	52
Referred for Disciplinary Action	4	5	4
Other (i.e., Duplicate, Mediated, etc.)	20	25	12

\* FYTD reflects data as of April 30, 2019.

Most Common Violations The majority of complaints received are filed by consumers for allegations such as unlicensed practice, professional misconduct, negligence, and contract violations, or initiated by the Board upon the failure of a coursework audit.

During FY 2018/19 (as of April 30, 2019), 42 citations with administrative fines became final with 58 violations of the provisions of the Act and/or Board regulations. The most common violations that resulted in enforcement action during the current and previous two fiscal years are listed below.

Business and Professions Code (BPC) Section or California Code of Regulations (CCR) Section	FYTD 2018/19*	FY 2017/18	FY 2016/17
BPC § 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect	27.8%	8.1%	38.0%
BPC § 5536.1(c) – Unauthorized Practice	0%	3.2%	0%
BPC § 5536.22(a) – Written Contract	7.4%	1.6%	14.0%

BPC § 5584 – Negligence or Willful Misconduct	5.6%	1.6%	4.0%
BPC § 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements**	38.9%	77.4% <sup>†</sup>	16.0%
CCR § 160(b)(2) – Rules of Professional Conduct	7.4%	4.8%	6.0%

\* FYTD reflects data as of April 30, 2019.

\*\* Assembly Bill 1746 (Chapter 240, Statutes of 2010) became effective January 1, 2011 and amended the coursework provisions of BPC section 5600.05 by requiring an audit of license renewals beginning with the 2013 renewal cycle and adding a citation and disciplinary action provision for licensees who provide false or misleading information.

† The high percentage of citations for BPC section 5600.05 violations compared to other violations is primarily due to vacancies in the Enforcement Unit.

Outreach On May 3, 2019, the Board’s enforcement staff will be attending a Senior Scam Stopper meeting in Paradise. The town of Paradise was destroyed in November 2018 by a natural wildfire named Camp Fire and has been declared as the Deadliest Wildfire in California. During this meeting staff will discuss how the community can protect themselves from unlicensed practice and the role of a licensed architect. The Board’s enforcement staff will be disseminating various Board publications such as the: *Consumer’s Guide to Hiring an Architect*, *Consumer Tips for Design Projects*, and other consumer related materials. The meeting is a collaborative effort with the Contractors State License Board.

Regulatory Proposals *CCR section 152.5 (Contest of Citations, Informal Conference)* - Staff developed proposed regulatory language to amend CCR section 152.5 to allow the EO to delegate to a designee, such as the Assistant Executive Officer or the Enforcement Program Manager, the authority to hold an informal conference with a cited person and make a decision to affirm, modify, or dismiss a citation. The proposed regulatory language also contains additional revisions to CCR section 152.5, including: changing the deadline for requesting an informal conference for consistency with the deadline for requesting a formal administrative hearing; authorizing the EO or a designee to extend the 60-day period for holding the informal conference for good cause; and clarifying that the decision to affirm, modify, or dismiss a citation is made following (rather than at the conclusion of) an informal conference, and a copy of the decision will be transmitted to the cited person within 30 days after the conference. Staff submitted this language for inclusion in Senate Bill (SB) 608, the Board’s sunset bill, rather than proceeding with regulations.

*CCR section 154 (Disciplinary Guidelines)* - The Board’s 2013 and 2014 Strategic Plans included an objective to review and update the Board’s *Disciplinary Guidelines*. The REC reviewed recommended updates to the Board’s *Disciplinary Guidelines* in 2013 and 2014. Additionally, at the request of the REC, staff consulted with a representative of AIACC to address a proposed modification to the “Obey All Laws” condition of probation. The Board approved the proposed regulatory language to amend CCR section 154 at its June 10, 2015 meeting and delegated the

authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed.

At its March 1, 2018 meeting, the Board reviewed and approved the proposed regulatory changes to the *Disciplinary Guidelines* and CCR section 154 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of AB 2138 as well as proposed changes to CCR sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation) including two options. The Board adopted the proposed recommended changes for CCR section 110 and option 1 of section 110.1 and approved the revised *Disciplinary Guidelines* at its February 27, 2019 meeting. On March 8, 2019, the proposed regulation was submitted to DCA Legal for an initial analysis as part of the regulatory proposal process.

Regulatory and Enforcement Committee (REC) The next REC meeting is scheduled for August 1, 2019, in Sacramento. At this meeting, the REC will begin work on its assigned 2019-2021 Strategic Plan objectives.

Written Contract (BPC section 5536.22) The Board previously approved a legislative proposal to amend BPC section 5536.22 sought to clarify that the following elements are needed in architects' written contracts with clients for professional services: 1) a description of the project; 2) the project address; and 3) a description of the procedure to accommodate contract changes. The Senate Business, Professions and Economic Development Committee (BP&ED) staff determined that the proposal was substantive and, as such, would need to be included in another bill. The Board subsequently approved a revision to one suggested amendment, as well as an exemption from the written contract requirements for public contracts.

The Board's proposal to amend BPC section 5536.22 was presented to the Legislature for consideration via the "New Issues" section of the Sunset Review Report, and the proposed changes are included in SB 608.

## **LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)**

### **LATC ADMINISTRATIVE/MANAGEMENT**

Personnel Deborah Dulay was hired to fill the Special Projects Analyst position and commenced her new assignment on April 2, 2019.

Business Modernization Refer to section under Board's Administrative/Management.

Committee The LATC met on February 8, 2019 at the University of Southern California. The remainder of the meetings planned for 2019 are as follows: May 23 (Campbell City Hall), August 13 (Chula Vista), and November 8 (Sacramento).

Jon Wreschinsky was appointed by the Senate Rules Committee to the LATC, on February 15, 2019. His term ends on June 1, 2022. Mr. Wreschinsky has been a licensed landscape architect since 1990 and is currently employed as a facilities planner with San Diego Unified School District. He has been a member of the American Society of Landscape Architects (ASLA) since 1989, serving in many positions at the chapter, state, and national levels and is currently serving on ASLA National's Policy Committee.

Committee member mandatory trainings must be completed as follows:

- Ethics Orientation – completed within the first six months of appointment and repeat every two years throughout a member's term
- Sexual Harassment Prevention – completed within the first six months of appointment and every two years throughout a member's term
- Board Member Orientation – completed within one year of a member's appointment and reappointment
- Defensive Driver – once every four years

Social Media The LATC maintains a Twitter account that currently has 162 followers. This account largely permits the LATC to have active social media participation with the public and professionals. A series of training was completed to enable all LATC staff to manage the social media account. On April 4, 2019, DCA Office of Public Affairs provided training to staff covering analytics and Hootsuite, a social media management tool.

Training The following employee(s) participated in the indicated training:

4/9/19	QBIRT (Stacy)
4/9/19	Interpersonal Skills for Analysts (Deborah)
4/11/19	QBIRT (Kourtney)
4/16/19	New Employee Orientation (Deborah)

Website The Interim Credit Card Renewal was launched on April 23, 2019 and can be found on the LATC's homepage.

In April, revisions were made to the LATC license search webpage to include a direct link to the Contractors State License Board (CSLB) and its license search system. This would, in return, allow consumers to easily differentiate between a landscape architect and a landscape contractor (C-27).

## **LATC EXAMINATION PROGRAM**

California Supplemental Examination (CSE) LATC's Intra-Departmental Contract with OPES for examination development will expire on June 30, 2019. The FY 2019/20 contract was approved by the LATC at their February 8, 2019 meeting and fully executed by the DCA Budget Office on March 8, 2019.

OPES provides the LATC with Occupational Analysis (OA) and examination development services. BPC section 139 requires that an OA be conducted every five to seven years. An OA

was completed by OPES for the LATC in 2014. The Test Plan developed from the 2014 OA is being used during content development of the CSE. The CSE development is based on an ongoing analysis of current CSE performance and evaluation of examination development needs. Staff recruits subject matter experts (SME) to participate in examination development workshops to focus on item writing and examination construction.

During the exam development workshops held on August 24-25, 2018 and September 14-15, 2018, OPES facilitated a review of the reference materials used for the CSE. Based on SME findings in these workshops, OPES recommended changes to the reference list which were reflected on the LATC website in February.

CSE Results The pass rates for the CSE taken by candidates during FY 2018/19 (as of April 30, 2019) and prior FYs are shown in the following tables:

**FY 2018/19 CSE  
(as of April 30, 2019)**

<b>EXAMINATIONS ADMINISTERED</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>	
	Total	Percent	Total	Percent
190	153	81%	37	19%

**2017/18 CSE**

<b>EXAMINATIONS ADMINISTERED</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>	
	Total	Percent	Total	Percent
181	107	55%	89	45%

**FY 2016/17 CSE**

<b>EXAMINATIONS ADMINISTERED</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>	
	Total	Percent	Total	Percent
153	80	52%	73	48%

**FY 2015/16 CSE**

<b>EXAMINATIONS ADMINISTERED</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>	
	Total	Percent	Total	Percent
132	94	71%	38	29%

Landscape Architect Registration Examination (LARE) A LARE administration was held April 1-13, 2019, and the candidate application deadline was February 15, 2019. Examination results for all LARE administrations are released by the Council of Landscape Architectural Registration Boards (CLARB) within six weeks of the last day of administration. The next LARE administration will be held August 5–17, 2019, and the application deadline is June 21, 2019.

The pass rates for LARE sections taken by California candidates during the December 10-22, 2018, administration are shown below:

<b>SECTION</b>	<b>NUMBER OF SECTIONS</b>	<b>TOTAL PASSED</b>		<b>TOTAL FAILED</b>	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	65	47	72%	18	28%
Inventory and Analysis	65	41	63%	24	37%
Design	67	41	61%	26	39%
Grading, Drainage and Construction	50	33	66%	17	34%



National pass rates for LARE sections taken during the December 10-22, 2018, administration are shown below:

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	Passed	Total	Passed	
Project and Construction Management	65	72%	394	77%	-5%
Inventory and Analysis	65	63%	396	71%	-8%
Design	67	61%	419	70%	-9%
Grading, Drainage and Construction	50	66%	349	65%	1%

National pass rates for LARE sections taken in 2018 are shown below:

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	Passed	Total	Passed	
Project and Construction Management	220	66%	1,187	71%	-5%
Inventory and Analysis	200	62%	1,172	68%	-6%
Design	181	62%	1,169	64%	-2%
Grading, Drainage and Construction	191	69%	1,156	69%	0%

Outreach On April 18, 2019, LATC member Susan M. Landry provided an outreach presentation to approximately 35 students enrolled in a professional practice class at the University of California, Berkeley. The presentation included an overview of the LATC's mandate, the Landscape Architects Practice Act, the importance of licensure, the examination process, and the various education and training pathways to licensure.

Regulatory Proposals *CCR sections 2615 (Form of Examinations) and 2620 (Education and Training Credits)* At its meeting on February 10, 2015, LATC directed staff to draft proposed regulatory language to specifically state that California allows reciprocity to individuals who are licensed in another jurisdiction, have 10 years of practice experience, and have passed the CSE. At the LATC meeting on November 17, 2015, the Committee approved proposed amendments to CCR section 2615(c)(1) and the Board approved the regulatory changes at its meeting on December 10, 2015.

The LATC received extensive input during the public comment period expressing concern about the proposed length of post-licensure experience (at least 10 years, within the past 15 years) to be required of reciprocity candidates who do not meet California's educational requirements (specifically, a degree in landscape architecture). At its November 4, 2016 meeting, LATC reviewed and discussed the public comments, heard from several members of the audience, and directed staff to provide additional research and possible options for its next meeting in January 2017. At its January 17, 2017 meeting, the Committee directed staff to draft proposed regulatory language allowing reciprocity licensure to applicants licensed to practice landscape architecture by any US jurisdiction, Canadian province, or Puerto Rico, upon passing the CSE. Staff consulted with legal counsel to draft new, proposed regulatory language in accordance with the Committee's direction. Staff was also advised that it would be more efficient to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Gov. section 11346.4, the one-year deadline to finalize the existing regulatory proposal was August 12, 2017, which did not allow sufficient time to complete the required review/approval process through the control agencies.

At its April 18, 2017 meeting, the Committee approved the new proposed regulatory language to amend CCR section 2615(c)(1) and recommended that the Board authorize LATC to proceed with the regulatory change. The LATC's recommendation was considered by the Board at its June 15, 2017, meeting. Following discussion, the Board voted to reject the proposed regulatory language. The Board directed staff to prepare a proposal that addresses both the LATC's initial and reciprocal licensure requirements, and that closely aligns with the Board's current licensure requirements. The Board requested that the LATC's proposal should be presented to the Board at its next meeting.

At the July 13, 2017 meeting, the LATC reviewed proposed language to amend CCR section 2620 (Education and Training Credits) composed by staff and DCA Legal. This proposed language reflects the Board's licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The LATC voted to recommend to the Board the approval of amendments to CCR section 2620. Upon the Board's review of amendments for CCR section 2620 during its meeting on December 7, 2017, the Board voted to approve the language. As initial licensing provisions and reciprocity provisions are closely tied, the LATC voted on July 13, 2017, to recommend to the Board that reciprocity requirements align with the final, amended provisions to CCR section 2620.

It was found that minor changes are necessary for consistency with the proposed amendments to CCR section 2620. Specifically, these changes will replace the term "Board approved degree" with "degree from an accredited program" and update a reference to CCR section 2620(a)(7). This new language was presented to the LATC for review and possible approval at their meeting on May 4, 2018. During this meeting, the Committee expressed concern that the Certification of Experience form may not adequately structure the experience a candidate gains, especially as it would pertain to the proposed experience-only pathway. Following discussion, the Committee directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at the next Committee meeting.

Subsequent to the Committee meeting on May 4, 2018, staff gathered research from other licensing jurisdictions who have detailed experience criteria on their experience verification forms as well

as gathered data for California licensees and active candidates who qualify for licensure with one-year of education credit and five years of experience inclusive of examination pass rates, the types of experience gained, and whether enforcement actions were taken. The findings of staff research were presented to the LATC during its meeting on July 20, 2018; at which time the Committee granted approval to staff to move forward with the combined rulemaking file for CCR sections 2615 and 2620. The Board approved the LATC's proposed regulatory language at its meeting on September 12, 2018. Staff has submitted the proposed regulatory package to DCA for initial analysis, prior to publicly noticing with the OAL.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR sections 2615 and 2620:

November 17, 2015	Proposed regulatory language approved by the LATC
December 10, 2015	Proposed regulatory language approved by the Board
August 2, 2016	Notice of Proposed Changes in the Regulations submitted to OAL
August 12, 2016	Notice of Proposed Changes in the Regulations published by OAL
September 27, 2016	Public hearing, public comments received during 45-day period
April 18, 2017	LATC voted to withdraw regulatory proposal and approved new proposed regulatory language
June 15, 2017	Board requested LATC prepare an alternate proposal that refines both initial and reciprocal licensure requirements to be more closely related to those of the Board's
July 13, 2017	LATC voted to recommend to the Board that reciprocity requirements align with initial licensure requirements once they are determined by the Education/Experience Subcommittee and approved by the LATC and the Board at subsequent meetings
October 3, 2017	The Education/Experience Subcommittee met and recommended expanded initial licensure pathways (and their respective education/experience credit allocations) as amendments to CCR section 2620 for the LATC's consideration
November 2, 2017	LATC met to review the Education/Experience Subcommittee's recommendations and voted to recommend that the Board approve proposed amendments to CCR section 2620 to expand initial licensure pathways
December 7, 2017	Board reviewed and approved the LATC's proposed amendments to CCR section 2620
May 4, 2018	LATC reviewed revised proposed regulatory language, to amend CCR 2615 and 2620, and directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at a future Committee meeting
July 20, 2018	LATC voted to recommend to the Board to proceed with the combined rulemaking file for CCR sections 2615 and 2620
September 12, 2018	Proposed regulatory language approved by Board
November 1, 2018	Staff preparing regulatory package for DCA Legal review
February 7, 2019	Proposed regulation submitted to DCA Legal for prereview
March 21, 2019	DCA Legal concluded first round of prereview and returned regulation to staff

April 16, 2019

Proposed regulation returned to DCA Legal for additional prereview

*CCR section 2620.5 (Requirements for an Approved Extension Certificate Program)* LATC established the original requirements for an approved extension certificate program based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB). These requirements are outlined in CCR section 2620.5. In 2009, LAAB implemented changes to their university accreditation standards. Prompted by the changes made by LAAB, LATC drafted updated requirements for an approved extension certificate program and recommended that the Board authorize LATC to proceed with a regulatory change. At the December 15–16, 2010 Board meeting, the Board approved the regulatory change and delegated authority to the EO to adopt the regulations to amend CCR section 2620.5 provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed. The regulatory proposal to amend CCR section 2620.5 was published by the OAL on June 22, 2012.

In 2012, the LATC appointed the University of California Extension Certificate Program Task Force, which was charged with developing procedures for the review of the extension certificate programs and conducting reviews of the programs utilizing the new procedures. As a result of these meetings, the Task Force recommended additional modifications to CCR section 2620.5 to further update the regulatory language with LAAB guidelines and LATC goals. At the November 14, 2012 LATC meeting, LATC approved the Task Force’s recommended modifications to CCR section 2620.5, with an additional edit. The Board approved adoption of the modified language for CCR section 2620.5 at their March 7, 2013 meeting.

On July 17, 2013, a Decision of Disapproval of Regulatory Action was issued by OAL. The disapproval was based on OAL’s determination that the regulatory package did not meet the necessity standard of the Gov. section 11349.1, subdivision (a)(1). Gov. section 11349(a) defines “necessity” as demonstrating the need for the regulatory change through evidence not limited to facts, studies, and expert opinion.

On December 8, 2014, staff was advised by LAAB that the accreditation standards are scheduled to be reviewed and updated beginning with draft proposals in the spring of 2015. LAAB anticipated adopting new standards in early 2016.

Proposed regulatory language was presented to the LATC at its February 10–11, 2015 meeting. At this meeting, the Committee approved the appointment of a new working group to assist staff in substantiating recommended standards and procedures in order to obtain OAL approval.

On June 5, 2015, LAAB confirmed that they are in the process of updating their Standards and Procedures for the Accreditation of Landscape Architecture Programs.

LAAB implemented its new Accreditation Standards and Procedures in March 2016, making significant changes to the curriculum requirements beginning in 2017. Staff recommended that LATC review the LAAB Accreditation Standards and Procedures

At the April 18, 2017 LATC meeting, the Committee heard comments from Mses. Landregan and Anderson, president-elect of the Council of Landscape Architectural Registration Boards, that offered insight on how LATC could incorporate LAAB accreditation standards and continue to

approve University of California Extension Certificate programs. In addition, the LATC was presented with several written public comments addressing the University of California Extension Certificate programs.

At the July 20, 2018 LATC meeting, the Committee reviewed the proposed language to amend CCR section 2620.5 that was rejected by OAL on July 17, 2013. Following discussion, the Committee directed staff to explore options to engage LAAB as well as research private entities regarding the accreditation of extension certificate programs. The Committee requested that staff present their research findings for consideration at the next meeting on December 6-7, 2018.

At the December 6, 2018 LATC meeting, the Committee discussed opportunities to address the following in regulation: 1) extension certificate program approval, expiration, reauthorization, and extensions of said approval; 2) possible provisions for site reviews; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with the regulation. Following discussion, the Committee directed staff to form a subcommittee comprised of Marq Truscott and Ms. Landregan to work with staff to recommend regulatory changes for LATC's consideration at a later meeting date.

On January 17, 2019, staff held a conference call with the subcommittee where together they developed recommended changes to section 2620.5 and the review/approval procedures for LATC's consideration. At the February 8, 2019 LATC meeting, the Committee reviewed the subcommittee's recommendations and directed staff to prepare a regulatory proposal to amend CCR section 2620.5 for the LATC's consideration at its May 23, 2019 meeting.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR section 2620.5:

November 22, 2010	Proposed regulatory language approved by LATC
December 15, 2010	Proposed regulatory language approved by Board
June 22, 2012	Notice of Proposed Changes in the Regulations published by OAL (Notice re-published to allow time to notify interested parties)
August 6, 2012	Public hearing, no public comments received
November 30, 2012	40-Day Notice of Availability of Modified Language posted on website
January 9, 2013	Written comment (one) received during 40-day period
January 24, 2013	Modified language to accommodate public comment approved by LATC
February 15, 2013	Final rulemaking file submitted to DCA's Legal Office and Division of Legislative and Policy Review
March 7, 2013	Final approval of modified language by Board
May 31, 2013	Final rulemaking file submitted to OAL for approval
July 17, 2013	Decision of Disapproval of Regulatory Action issued by OAL
August 20, 2013	LATC voted not to pursue a resubmission of rulemaking file to OAL
February 21, 2014	Staff worked with Task Force Chair to draft justifications for proposed changes
December 8, 2014	LAAB reported that accreditation standards are scheduled to be reviewed and updated in 2015
February 10, 2015	LATC approved the appointment of a new working group to assist staff
October 8, 2015	LATC received LAAB's suggested revisions to curriculum requirements

March 2016	LAAB implemented its new Accreditation Standards and Procedures
April 18, 2017	LATC directed the formation of a subcommittee to recommend regulatory changes for LATC's consideration
March 2018	LATC staff consulted with legal counsel regarding previously proposed amendments to CCR 2620.5
July 20, 2018	LATC directed staff to explore options to engage LAAB and private entities in the approval process of extension certificate programs
December 6, 2018	LATC directed the formation of a two-person subcommittee to recommend regulatory changes for LATC's consideration
January 17, 2019	LATC staff held a conference call with the subcommittee where together they developed recommended changes for LATC's consideration at its February 8, 2019 meeting
February 8, 2019	LATC directed staff to prepare a regulatory proposal to amend CCR 2620.5 for the LATC's consideration at its May 23, 2019 meeting
May 23, 2019	LATC to consider proposed amendments

*CCR Sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation)* At its meeting on February 8, 2019, LATC recommended to the Board approval of proposed regulatory language to amend CCR sections 2655 and 2656. The Board approved the proposed regulatory language at its February 27, 2019, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the LATC's regulatory proposal for CCR sections 2655 and 2656:

February 8, 2019	Proposed regulatory language approved by LATC
February 27, 2019	Proposed regulatory language approved by the Board
March 7, 2018	Proposed regulation submitted to DCA Legal for prereview
March 8, 2018	DCA Legal concluded prereview
March 12, 2018	Proposed regulation submitted to DCA Legal for initial analysis

### **LATC ENFORCEMENT PROGRAM**

Disciplinary Guidelines As part of the Strategic Plan established by LATC at the January 2013 meeting, LATC set an objective of collaborating with the Board in order to review and update LATC's *Disciplinary Guidelines*. At its December 2014 meeting, the Board approved the proposed updates to their *Disciplinary Guidelines* and authorized staff to proceed with the required regulatory change in order to incorporate the revised *Disciplinary Guidelines* by reference. At its February 10, 2015 meeting, LATC approved proposed revisions to its *Disciplinary Guidelines* based on the recent Board approval for their *Guidelines*. Staff provided the revised *Disciplinary Guidelines* to the new Deputy Attorney General Liaison for review. He suggested several amendments, which staff added to the *Guidelines*. The amended *Disciplinary Guidelines* and proposed regulatory package were approved by LATC at its August 6, 2015 meeting and by the Board at their September 10, 2015 meeting.

On October 21, 2015, staff sent DCA Legal Counsel suggested edits to the Optional Conditions section in the *Disciplinary Guidelines* for review. Legal Counsel notified staff on November 12, 2015, that the edited portions were sufficient and substantive, and would require re-approval by the Board. At its December 10, 2015, meeting, the Board approved the revised *Disciplinary Guidelines* and the proposed regulation to amend CCR § 2680 and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes to the language, if needed. Staff prepared the proposed regulatory package for Legal Counsel's review and approval on March 15, 2016. On April 8, 2016, Legal Counsel advised staff that further substantive changes were necessary prior to submission to OAL. The additional revisions to the *Guidelines* and the proposed regulatory language to amend CCR section 154 were approved by the Board at its December 15, 2016 meeting. Staff updated its *Guidelines* to include the approved revisions that are appropriate to the LATC. On July 13, 2017, the Committee approved the revised *Guidelines* and recommended they be presented to the Board for approval.

On September 5, 2017, Legal Counsel advised LATC staff that additional substantive changes to LATC's *Guidelines* and the proposed language to amend CCR section 2680 were necessary. These changes were communicated by Legal Counsel during the Board's September 7, 2017 meeting. The Board approved the revisions to LATC's *Guidelines*, including the necessary changes identified by Legal Counsel, as well as proposed language to amend CCR section 2680. Following the meeting, Board staff prepared additional, recommended revisions to the Board's *Guidelines* and the proposed language to amend CCR section 154 in response to Legal Counsel's concerns and presented those revisions to the Board for review and approval at its December 7, 2017 meeting. At the meeting, the Board accepted the additional revisions to the Board's *Guidelines* and directed Legal Counsel and staff to conduct further research to determine if the Board has the statutory authority to impose fines through the disciplinary process and whether it should be referenced in the *Guidelines*. At its March 1, 2018 meeting, the Board was presented with and approved the additional edits to its *Disciplinary Guidelines* with no changes and authorized staff to proceed with a regulatory amendment. Following the Board's approval of its *Guidelines*, LATC staff incorporated the changes made to the Board's *Guidelines* that were relevant to the LATC's *Guidelines*. On May 4, 2018, the Committee reviewed and approved the revised *Guidelines* and recommended they be presented to the Board for approval.

At its June 13, 2018 meeting, the Board reviewed and approved the proposed changes to the LATC's *Disciplinary Guidelines* and CCR section 2680 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) including two options. On February 8, 2019, the Committee made a recommendation to the Board to adopt the proposed regulatory language for section 2655 and option 1 for section 2656 and approve the revised *Disciplinary Guidelines*. The Board approved the Committee's recommendation at its February 27, 2019 meeting. Staff will proceed with the regulatory proposal process.

<u>Enforcement Statistics</u>	<u>Current Month</u> April 2019	<u>Prior Month</u> March 2019	<u>FYTD</u> 2018/19	<u>5-FY Avg</u> 2013/14- 2017/18
<b>Complaints</b>				
Received/Opened (Reopened):	6 (0)	4 (0)	36 (0)	28 (0)
Closed:	3	0	34	31
Average Days to Close:	127 days	N/A	120 days	247 days
Pending:	18	15	14*	16
Average Age (Pending):	97 days	110 days	127 days*	252 days
<b>Citations</b>				
Issued:	0	0	1*	3
Pending:	1	1	2*	3
Pending AG: †	0	0	0*	1
Final:	0	0	2	3
<b>Disciplinary Actions</b>				
Pending AG:	0	0	1*	1
Pending DA:	0	0	0*	0
Final:	0	0	2	1
<b>Settlement Reports (§5678)**</b>				
Received/Opened:	0	1	3	2
Closed:	0	0	2	2
Pending:	2	2	1*	2

\* Calculated as a monthly average of pending cases.

\*\* Also included within "Complaints" information.

† Also included within "Pending Citations."



## CALENDAR OF EVENTS FOR 2019

### May

14	Communications Committee Meeting	Sacramento
23	LATC Meeting	Campbell
27	<i>Memorial Day</i>	<i>Office Closed</i>

### June

6-8	American Institute of Architects Conference on Architecture 2019	Las Vegas, NV
12	Board Meeting	San Luis Obispo
20-22	NCARB Annual Meeting	Washington, DC

### July

4	<i>Independence Day</i>	<i>Office Closed</i>
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### August

1	Regulatory and Enforcement Committee Meeting	Sacramento
13	LATC Meeting	Chula Vista

### September

2	<i>Labor Day</i>	<i>Office Closed</i>
11	Board Meeting	Bay Area
26-28	Council of Landscape Architectural Registration Boards Annual Meeting	St. Louis, MO

### November

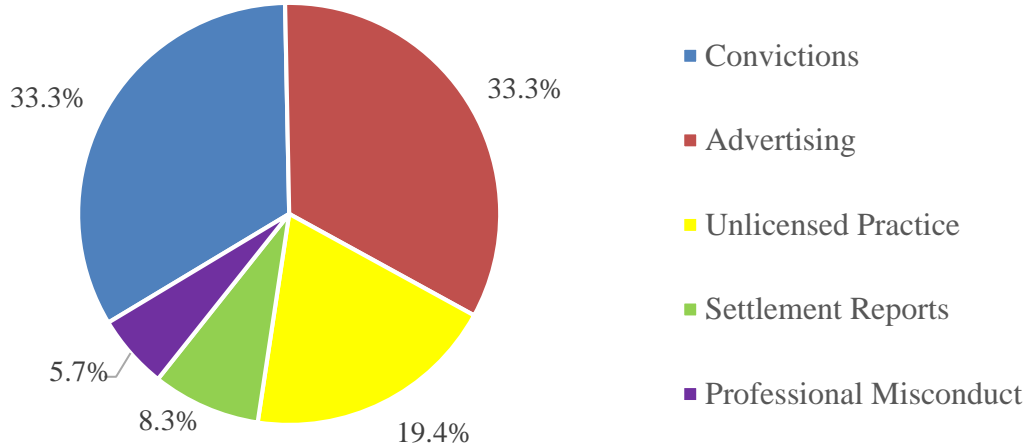
8	LATC Meeting	Sacramento
11	<i>Veterans Day</i>	<i>Office Closed</i>
15-18	American Society of Landscape Architects Annual Meeting and Expo	San Diego
28-29	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>

### December

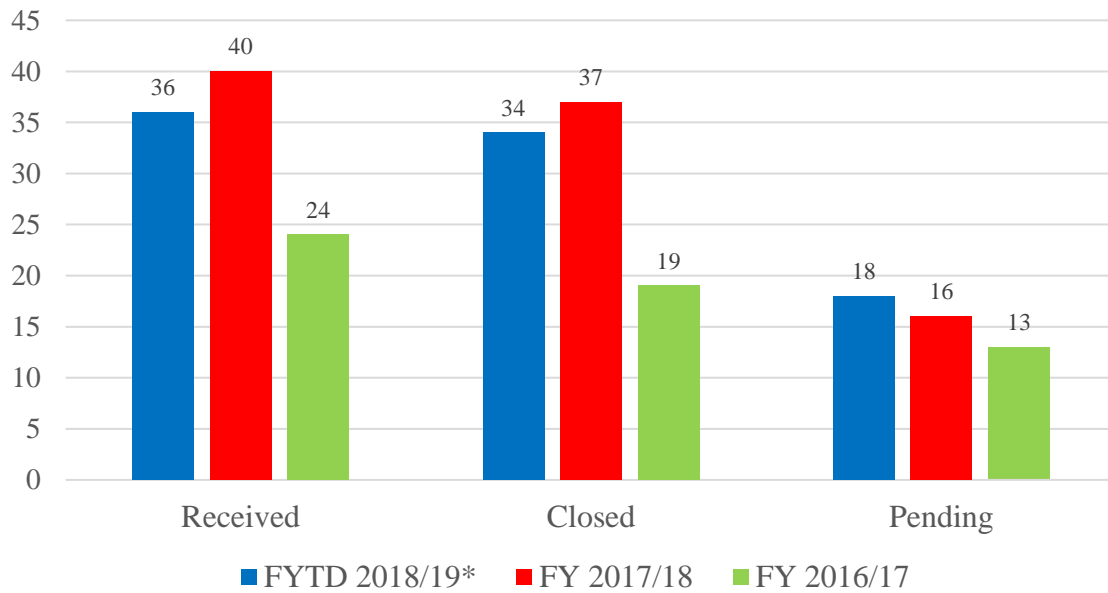
11	Board Meeting	Sacramento
25	<i>Christmas Day</i>	<i>Office Closed</i>

## ENFORCEMENT PROGRAM REPORT

### Types of Complaints Received FYTD 2018/19\*

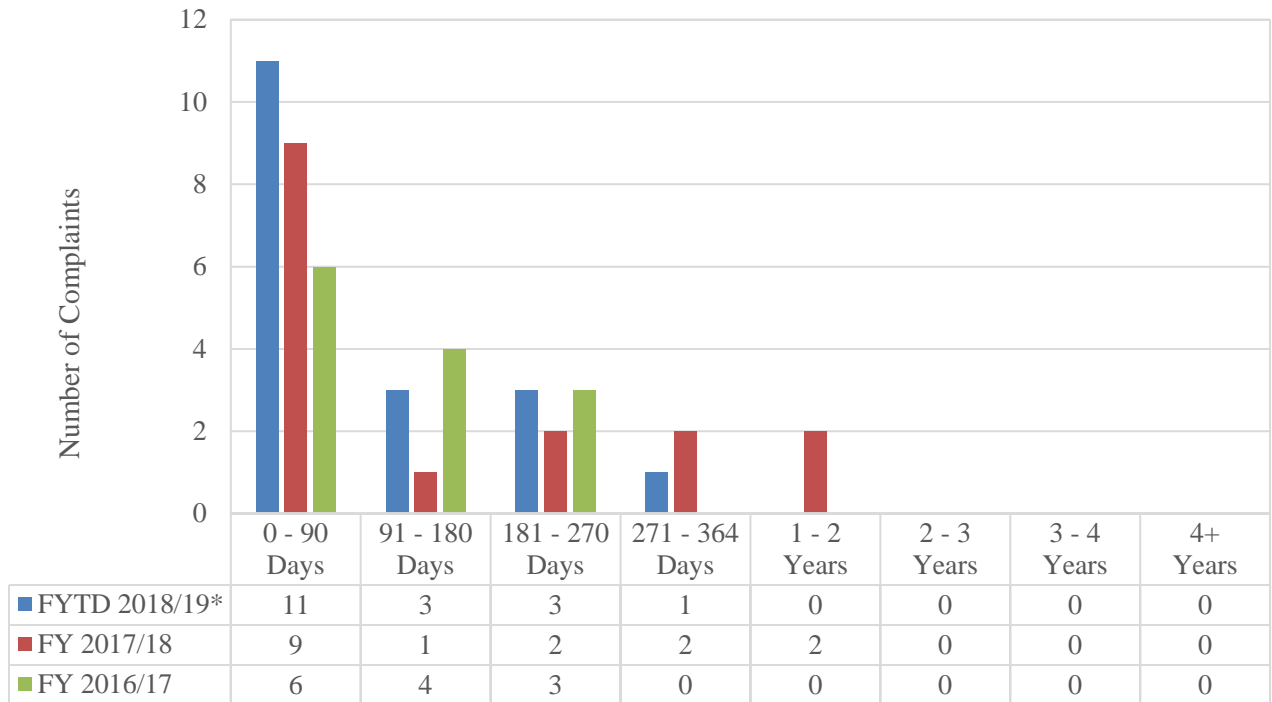


### Complaints Received, Closed, and Pending by FY



\*Fiscal Year to Date (FYTD) reflects data as of April 30, 2019.

## Comparison of Age of Pending Complaints by FY



\*FYTD reflects data as of April 30, 2019.

## Closure of Complaints by FY

Type of Closure	FYTD 2018/19*	FY 2017/18	FY 2016/17
Cease/Desist Compliance	0	5	3
Citation Issued	3	0	4
Complaint Withdrawn	0	2	0
Insufficient Evidence	1	0	1
Letter of Advisement	10	8	4
No Jurisdiction	3	1	1
No Violation	16	19	4
Referred for Disciplinary Action	0	1	1
Other (i.e., Deceased, Error, etc.)	1	1	1

\* FYTD reflects data as of April 30, 2019.

## **Disciplinary and Enforcement Actions by FY**

<b>Action</b>	<b>FYTD 2018/19*</b>	<b>FY 2017/18</b>	<b>FY 2016/17</b>
Disciplinary Cases Initiated	0	1	1
Pending Disciplinary Cases	0	1	1
Final Disciplinary Orders	2	0	2
Final Citations	2	0	5
Administrative Fines Assessed	\$1,750	0	\$20,250

\*FYTD reflects data as of April 30, 2019.

## **Most Common Violations by FY**

The most common violations that resulted in enforcement action during the last three fiscal years are listed below.

<b>Business and Professions Code (BPC) Section</b>	<b>FYTD 2018/19*</b>	<b>FY 2017/18</b>	<b>FY 2016/17</b>
BPC § 5640 – Unlicensed Person Engaging in Practice - Sanctions	1 (25%)	0 (0%)	4 (80%)
BPC § 5675 – Felony Conviction - Disciplinary Action	2 (50%)	0 (0%)	1 (20%)
BPC § 5616 – Landscape Architecture Contract – Contents, Notice Requirements	1 (25%)	0 (0%)	0 (0%)

\*FYTD reflects data as of April 30, 2019.



Gavin Newsom  
Governor

# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

## NOTICE OF BOARD MEETING

### Board Members

Sylvia Kwan, President  
Tian Feng, Vice President  
Nilza Serrano, Secretary  
Denise Campos  
Pasqual V. Gutierrez  
Ebony Lewis  
Robert C. Pearman, Jr.  
Barry Williams

**February 27, 2019**

**NewSchool of Architecture and Design  
747 Park Blvd., Auditorium  
San Diego, CA 92101  
(800) 490-7081 or (916) 574-7220 (Board)**

The California Architects Board will hold its quarterly meeting as noted above.  
*Action may be taken on any item listed on the agenda.*

### Agenda

**10:30 a.m. to 5:00 p.m.  
(or until completion of business)**

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. President's Procedural Remarks and Board Member Introductory Comments
- C. Update on the Department of Consumer Affairs (DCA) – Dean R. Grafilo, Director
- D. Public Comment on Items Not on the Agenda  
*The Board may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).*
- E. Public Comment on Design After Disaster – Douglas W. Burdge
- F. Presentation on NewSchool of Architecture and Design's Integrated Path to Architectural Licensure (IPAL) Programs by Dr. Mitra Kanaani, IPAL Coordinator
- G. Review and Possible Action on December 13-14, 2018 Board Meeting Minutes
- H. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
- I. Hearing on Petition for Reinstatement of License – Arthur Frank Kent  
(1:00 p.m. approximate)
- J. Closed Session – Pursuant to Government Code Sections 11126(c)(3), 11126(f)(4), and 11126.1, the Board Will Meet in Closed Session to:
  - 1. Deliberate and Vote on Disciplinary Matters
  - 2. Review and Possible Action on December 13, 2018 Closed Session Minutes
  - 3. Adjourn Closed Session

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*(Continued)*

- K. Reconvene Open Session
- L. Update on 2019 Sunset Review of Board and Landscape Architects Technical Committee (LATC) and Possible Action on Responses to Background Papers
- M. Review and Possible Action on Draft 2019-2021 Strategic Plan
- N. Executive Committee Report
  - 1. Update on January 31, 2019 Executive Committee Meeting
  - 2. Discuss and Possible Action on New Board Logo
  - 3. Review and Possible Action on Recommended Amendments to Board Member Administrative Procedure Manual
- O. National Council of Architectural Registration Boards (NCARB)
  - 1. Review of 2019 NCARB Regional Summit Agenda
  - 2. Consider and Take Action on Candidates for 2019 NCARB and Region VI Officers and Directors
- P. Review and Possible Action on Contract for Debt Collection Services to Collect Outstanding Administrative Fines and Cost Recoveries
- Q. LATC Report
  - 1. Update on February 8, 2019 LATC Meeting
  - 2. Review and Possible Action on Draft 2019–2021 Strategic Plan
  - 3. Review and Possible Action on Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2603 Delegation of Certain Functions
  - 4. Review and Possible Action on Proposed Amendments to CCR, Title 16, Division 26, Article 1, Sections 2655 Substantial Relationship Criteria; 2656 Criteria for Rehabilitation; and 2680 Disciplinary Guidelines; and LATC’s *Disciplinary Guidelines*
- R. Review and Possible Action on Proposed Amendments to CCR, Title 16, Division 2, Article 2, Sections 110 Substantial Relationship Criteria and 110.1 Criteria for Rehabilitation; Article 8, Section 154 Disciplinary Guidelines; and Board’s *Disciplinary Guidelines*
- S. Review of Future Board Meeting Dates
- T. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast the meeting on its website at [www.cab.ca.gov](http://www.cab.ca.gov). Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend the physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

(Continued)

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

**Person:** Gabe Nessar

**Telephone:** (916) 575-7202

**Email:** gabrial.nessar@dca.ca.gov

**Telecommunications Relay Service:** Dial 711

**Mailing Address:**

California Architects Board

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

*Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code section 5510.15.)*

## **Agenda Item G**

### **REVIEW AND DISCUSS 2019 LEGISLATION**

1. Assembly Bill (AB) 312 (Cooley) State Government: Administrative Regulations: Review
2. AB 476 (B. Rubio) Department of Consumer Affairs: Task Force: Foreign-Trained Professionals
3. AB 544 (Brough) Professions and Vocations: Inactive License Fees and Accrued and Unpaid Renewal Fees
4. AB 613 (Low) Professions and Vocations: Regulatory Fees
5. AB 1076 (Ting) Criminal Records: Automatic Relief
6. Senate Bill (SB) 53 (Wilk) Open Meetings
7. SB 601 (Morrell) State Agencies: Licenses: Fee Waiver
8. SB 608 (Glazer) Architects: Contracts

The Committee will be provided an update on 2019 legislation (attached).



**ASSEMBLY BILL****No. 312**

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**Introduced by Assembly Member Cooley  
(Coauthor: Assembly Member Frazier)**

January 29, 2019

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An act to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of the Government Code, relating to state agency regulations.

## LEGISLATIVE COUNSEL'S DIGEST

AB 312, as introduced, Cooley. State government: administrative regulations: review.

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would require each state agency to, on or before January 1, 2022, review its regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, revise those identified regulations, as provided, and report its findings and actions taken to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2023.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 3.6 (commencing with Section 11366)  
2 is added to Part 1 of Division 3 of Title 2 of the Government Code,  
3 to read:

4  
5 CHAPTER 3.6. REGULATORY REFORM  
6  
7 Article 1. Findings and Declarations  
8

9 11366. The Legislature finds and declares all of the following:

10 (a) The Administrative Procedure Act (Chapter 3.5 (commencing  
11 with Section 11340), Chapter 4 (commencing with Section 11370),  
12 Chapter 4.5 (commencing with Section 11400), and Chapter 5  
13 (commencing with Section 11500)) requires agencies and the  
14 Office of Administrative Law to review regulations to ensure their  
15 consistency with law and to consider impacts on the state’s  
16 economy and businesses, including small businesses.

17 (b) However, the act does not require agencies to individually  
18 review their regulations to identify overlapping, inconsistent,  
19 duplicative, or out-of-date regulations that may exist.

20 (c) At a time when the state’s economy is slowly recovering,  
21 unemployment and underemployment continue to affect all  
22 Californians, especially older workers and younger workers who  
23 received college degrees in recent years but are still awaiting their  
24 first great job, and with state government improving but in need  
25 of continued fiscal discipline, it is important that state agencies  
26 systematically undertake to identify, publicly review, and eliminate  
27 overlapping, inconsistent, duplicative, or out-of-date regulations,  
28 both to ensure they more efficiently implement and enforce laws  
29 and to reduce unnecessary and outdated rules and regulations.

30  
31 Article 2. Definitions  
32

33 11366.1. For the purposes of this chapter, the following  
34 definitions shall apply:

35 (a) “State agency” means a state agency, as defined in Section  
36 11000, except those state agencies or activities described in Section  
37 11340.9.

1 (b) “Regulation” has the same meaning as provided in Section  
2 11342.600.

3  
4 Article 3. State Agency Duties  
5

6 11366.2. On or before January 1, 2022, each state agency shall  
7 do all of the following:

8 (a) Review all provisions of the California Code of Regulations  
9 adopted by that state agency.

10 (b) Identify any regulations that are duplicative, overlapping,  
11 inconsistent, or out of date.

12 (c) Adopt, amend, or repeal regulations to reconcile or eliminate  
13 any duplication, overlap, inconsistencies, or out-of-date provisions,  
14 and shall comply with the process specified in Article 5  
15 (commencing with Section 11346) of Chapter 3.5, unless the  
16 addition, revision, or deletion is without regulatory effect and may  
17 be done pursuant to Section 100 of Title 1 of the California Code  
18 of Regulations.

19 (d) Hold at least one noticed public hearing, which shall be  
20 noticed on the internet website of the state agency, for the purposes  
21 of accepting public comment on proposed revisions to its  
22 regulations.

23 (e) Notify the appropriate policy and fiscal committees of each  
24 house of the Legislature of the revisions to regulations that the  
25 state agency proposes to make at least 30 days prior to initiating  
26 the process under Article 5 (commencing with Section 11346) of  
27 Chapter 3.5 or Section 100 of Title 1 of the California Code of  
28 Regulations.

29 (g) (1) Report to the Governor and the Legislature on the state  
30 agency’s compliance with this chapter, including the number and  
31 content of regulations the state agency identifies as duplicative,  
32 overlapping, inconsistent, or out of date, and the state agency’s  
33 actions to address those regulations.

34 (2) The report shall be submitted in compliance with Section  
35 9795 of the Government Code.

36 11366.3. (a) On or before January 1, 2022, each agency listed  
37 in Section 12800 shall notify a department, board, or other unit  
38 within that agency of any existing regulations adopted by that  
39 department, board, or other unit that the agency has determined  
40 may be duplicative, overlapping, or inconsistent with a regulation

1 adopted by another department, board, or other unit within that  
2 agency.

3 (b) A department, board, or other unit within an agency shall  
4 notify that agency of revisions to regulations that it proposes to  
5 make at least 90 days prior to a noticed public hearing pursuant to  
6 subdivision (d) of Section 11366.2 and at least 90 days prior to  
7 adoption, amendment, or repeal of the regulations pursuant to  
8 subdivision (c) of Section 11366.2. The agency shall review the  
9 proposed regulations and make recommendations to the  
10 department, board, or other unit within 30 days of receiving the  
11 notification regarding any duplicative, overlapping, or inconsistent  
12 regulation of another department, board, or other unit within the  
13 agency.

14 11366.4. An agency listed in Section 12800 shall notify a state  
15 agency of any existing regulations adopted by that agency that  
16 may duplicate, overlap, or be inconsistent with the state agency's  
17 regulations.

18 11366.45. This chapter shall not be construed to weaken or  
19 undermine in any manner any human health, public or worker  
20 rights, public welfare, environmental, or other protection  
21 established under statute. This chapter shall not be construed to  
22 affect the authority or requirement for an agency to adopt  
23 regulations as provided by statute. Rather, it is the intent of the  
24 Legislature to ensure that state agencies focus more efficiently and  
25 directly on their duties as prescribed by law so as to use scarce  
26 public dollars more efficiently to implement the law, while  
27 achieving equal or improved economic and public benefits.

28  
29 Article 4. Repeal  
30

31 11366.5. This chapter shall remain in effect only until January  
32 1, 2023, and as of that date is repealed, unless a later enacted  
33 statute, that is enacted before January 1, 2023, deletes or extends  
34 that date.

**ASSEMBLY BILL****No. 476**

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**Introduced by Assembly Member Blanca Rubio**February 12, 2019

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An act to add Section 110.5 to the Business and Professions Code, relating to professions and vocations.

## LEGISLATIVE COUNSEL'S DIGEST

AB 476, as introduced, Blanca Rubio. Department of Consumer Affairs: task force: foreign-trained professionals.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law establishes the Bagley-Keene Open Meeting Act, which requires state boards, commissions, and similar state-created multimember bodies to give public notice of meetings and conduct their meetings in public unless authorized to meet in closed session.

This bill, the California Opportunity Act of 2019, would require the Department of Consumer Affairs to create a task force, as specified, to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state's workforce, as specified. The bill would authorize the task force to hold hearings and invite testimony from experts and the public to gather information. The bill would require the task force to submit the report to the Legislature no later than January 1, 2021, as specified.

The bill also would require the task force to meet at least once each calendar quarter, as specified, and to hold its meetings in accordance with the Bagley-Keene Open Meeting Act. The bill would require each member of the task force to receive per diem and reimbursement for

expenses incurred, as specified, and would require the task force to solicit input from a variety of government agencies, stakeholders, and the public, including, among others, the Little Hoover Commission and the California Workforce Development Board.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known as the California  
2 Opportunity Act of 2019.

3 SEC. 2. Section 110.5 is added to the Business and Professions  
4 Code, to read:

5 110.5. (a) The Department of Consumer Affairs shall create  
6 a task force to study, and write the report described in subdivision  
7 (c) regarding, the licensing of foreign-trained professionals with  
8 the goal of integrating foreign-trained professionals into the state's  
9 workforce.

10 (b) The task force shall consist of the following 15 members:

11 (1) The Director of Consumer Affairs, or the director's designee,  
12 who shall serve as the chair of the task force.

13 (2) One member appointed by the Governor.

14 (3) One member appointed by the President pro Tempore of the  
15 Senate.

16 (4) One member appointed by the Speaker of the Assembly.

17 (5) One member of the Regents of the University of California.

18 (6) One member of the Trustees of the California State  
19 University.

20 (7) One member of the Board of Governors of the California  
21 Community Colleges.

22 (8) Four members appointed by the Governor who are  
23 representatives of the private sector from diverse regions in the  
24 state.

25 (9) Four members appointed by the Governor who are  
26 representatives of nonprofit organizations that serve the immigrant  
27 community from diverse regions in the state.

28 (c) (1) The task force shall write a report of its findings and  
29 recommendations regarding the licensing of foreign-trained  
30 professionals, that include, but are not limited to, the following:

1 (A) Strategies to integrate foreign-trained professionals and  
2 methods of implementing those strategies, including those  
3 recommended by the Little Hoover Commission in its October  
4 2016 report entitled Jobs for Californians: Strategies to Ease  
5 Occupational Licensing Barriers (Report #234).

6 (B) Identification of state and national licensing regulations that  
7 potentially pose unnecessary barriers to practice for foreign-trained  
8 professionals, corresponding changes to state licensing  
9 requirements, and opportunities to advocate for corresponding  
10 changes to national licensing requirements.

11 (C) Identification of best practices learned from similar efforts  
12 to integrate foreign-trained professionals into the workforce in  
13 other states.

14 (2) The task force may include in the report guidelines for full  
15 licensure and conditional licensing of foreign-trained professionals.

16 (3) The task force may hold hearings and invite testimony from  
17 experts and the public to gather information.

18 (d) The task force shall submit the report described in  
19 subdivision (c) to the Legislature no later than January 1, 2021,  
20 and in compliance with Section 9795 of the Government Code.

21 (e) The following shall also apply:

22 (1) The task force shall meet at least once each calendar quarter.  
23 The task force shall meet at least once in northern California, once  
24 in central California, and once in southern California to facilitate  
25 participation by the public.

26 (2) A majority of the appointed task force shall constitute a  
27 quorum. Task force meetings shall be held in accordance with the  
28 Bagley-Keene Open Meeting Act (Article 9 (commencing with  
29 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
30 the Government Code).

31 (3) (A) Each member shall receive a per diem of one hundred  
32 dollars (\$100) for each day actually spent in the discharge of  
33 official duties, and shall be reimbursed for traveling and other  
34 expenses necessarily incurred in the performance of official duties.

35 (B) Notwithstanding any other law, a public officer or employee  
36 shall not receive per diem salary compensation for serving on the  
37 task force on any day when the officer or employee also received  
38 compensation for their regular public employment.

- 1 (4) The task force shall solicit input from a variety of
- 2 government agencies, stakeholders, and the public, including, but
- 3 not limited to, the following:
- 4 (A) The Little Hoover Commission.
- 5 (B) The California Workforce Development Board.
- 6 (C) The Department of Industrial Relations.
- 7 (D) In- and out-of-state licensing entities.
- 8 (E) Professional associations.
- 9 (F) Labor and workforce organizations.



AMENDED IN ASSEMBLY MARCH 21, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL****No. 544****Introduced by Assembly Member Brough**

February 13, 2019

~~An act to amend Section 4073 of the Business and Professions Code, relating to healing arts.~~ *An act to amend Sections 121.5, 462, 703, 1006.5, 1718, 1718.3, 1936, 2427, 2456.3, 2535.2, 2538.54, 2646, 2734, 2892.1, 2984, 3147, 3147.7, 3524, 3774, 3775.5, 4545, 4843.5, 4901, 4966, 4989.36, 4999.104, 5070.6, 5600.2, 5680.1, 6796, 6980.28, 7076.5, 7417, 7672.8, 7725.2, 7729.1, 7881, 7883, 8024.7, 8802, 9832, 9832.5, 9884.5, 19170.5, and 19290 of the Business and Professions Code, relating to professions and vocations.*

## LEGISLATIVE COUNSEL'S DIGEST

AB 544, as amended, Brough. ~~Prescriptions.~~ *Professions and vocations: inactive license fees and accrued and unpaid renewal fees.*

*Existing law provides for the licensure and regulation of professions and vocations by various boards within the Department of Consumer Affairs. Existing law provides for the payment of a fee for the renewal of certain licenses, certificates, or permits in an inactive status, and, for certain licenses, certificates, and permits that have expired, requires the payment of all accrued fees as a condition of reinstatement of the license, certificate, or permit.*

*This bill would limit the maximum fee for the renewal of a license in an inactive status to no more than 50% of the renewal fee for an active license. The bill would also prohibit a board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration.*

~~The Pharmacy Law provides for the licensure and regulation of pharmacists and pharmacies by the California State Board of Pharmacy, which is within the Department of Consumer Affairs, and authorizes a pharmacist filling a prescription order for a drug product prescribed by its brand or trade name to select another drug product with the same active chemical ingredients of the same strength, quantity, and dosage form, and of the same generic drug name of those drug products having the same active chemical ingredients, as specified.~~

~~This bill would make a nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 121.5 of the Business and Professions  
2     Code is amended to read:

3     121.5. (a) Except as otherwise provided in this code, the  
4     application of delinquency fees ~~or accrued and unpaid renewal~~  
5     fees for the renewal of expired licenses or registrations shall not  
6     apply to licenses or registrations that have lawfully been designated  
7     as inactive or retired.

8     (b) *Notwithstanding any other law, a board shall not require a*  
9     *person to pay accrued and unpaid renewal fees as a condition of*  
10    *reinstating an expired license or registration.*

11    SEC. 2. Section 462 of the Business and Professions Code is  
12    amended to read:

13    462. (a) Any of the boards, bureaus, commissions, or programs  
14    within the department may establish, by regulation, a system for  
15    an inactive category of licensure for persons who are not actively  
16    engaged in the practice of their profession or vocation.

17    (b) The regulation shall contain the following provisions:

18    (1) The holder of an inactive license issued pursuant to this  
19    section shall not engage in any activity for which a license is  
20    required.

21    (2) An inactive license issued pursuant to this section shall be  
22    renewed during the same time period in which an active license  
23    is renewed. The holder of an inactive license need not comply with  
24    any continuing education requirement for renewal of an active  
25    license.

1 (3) The renewal fee for a license in ~~an active status shall apply~~  
2 ~~also for a renewal of a license in an inactive status, unless a lesser~~  
3 ~~renewal fee is specified by the board.~~ *status shall be no more than*  
4 *50 percent of the renewal fee for a license in an active status.*

5 (4) In order for the holder of an inactive license issued pursuant  
6 to this section to restore ~~his or her~~ *the* license to an active status,  
7 the holder of an inactive license shall comply with all the  
8 following:

9 (A) Pay the renewal fee.

10 (B) If the board requires completion of continuing education  
11 for renewal of an active license, complete continuing education  
12 equivalent to that required for renewal of an active license, unless  
13 a different requirement is specified by the board.

14 (c) This section shall not apply to any healing arts board as  
15 specified in Section 701.

16 *SEC. 3. Section 703 of the Business and Professions Code is*  
17 *amended to read:*

18 703. (a) An inactive healing arts license or certificate issued  
19 pursuant to this article shall be renewed during the same time  
20 period at which an active license or certificate is renewed. In order  
21 to renew a license or certificate issued pursuant to this article, the  
22 holder thereof need not comply with any continuing education  
23 requirement for renewal of an active license or certificate.

24 (b) ~~The~~ *Notwithstanding any other law, the* renewal fee for a  
25 license or certificate in an ~~active~~ *inactive* status shall ~~apply also~~  
26 ~~for renewal of a license or certificate in an inactive status, unless~~  
27 ~~a lower fee has been established by the issuing board.~~ *be no more*  
28 *than 50 percent of the renewal fee for a license in an active status.*

29 *SEC. 4. Section 1006.5 of the Business and Professions Code*  
30 *is amended to read:*

31 1006.5. Notwithstanding any other law, the amount of  
32 regulatory fees necessary to carry out the responsibilities required  
33 by the Chiropractic Initiative Act and this chapter are fixed in the  
34 following schedule:

35 (a) Fee to apply for a license to practice chiropractic: three  
36 hundred seventy-one dollars (\$371).

37 (b) Fee for initial license to practice chiropractic: one hundred  
38 eighty-six dollars (\$186).

39 (c) Fee to renew an ~~active or inactive~~ license to practice  
40 chiropractic: three hundred thirteen dollars (\$313).

- 1 (d) Fee to renew an inactive license to practice chiropractic:  
2 no more than 50 percent of the renewal fee for an active license.  
3 ~~(d)~~
- 4 (e) Fee to apply for approval as a continuing education provider:  
5 eighty-four dollars (\$84).  
6 ~~(e)~~
- 7 (f) Biennial continuing education provider renewal fee: fifty-six  
8 dollars (\$56).  
9 ~~(f)~~
- 10 (g) Fee to apply for approval of a continuing education course:  
11 fifty-six dollars (\$56) per course.  
12 ~~(g)~~
- 13 (h) Fee to apply for a satellite office certificate: sixty-two dollars  
14 (\$62).  
15 ~~(h)~~
- 16 (i) Fee to renew a satellite office certificate: thirty-one dollars  
17 (\$31).  
18 ~~(i)~~
- 19 (j) Fee to apply for a license to practice chiropractic pursuant  
20 to Section 9 of the Chiropractic Initiative Act: three hundred  
21 seventy-one dollars (\$371).  
22 ~~(j)~~
- 23 (k) Fee to apply for a certificate of registration of a chiropractic  
24 corporation: one hundred eighty-six dollars (\$186).  
25 ~~(k)~~
- 26 (l) Fee to renew a certificate of registration of a chiropractic  
27 corporation: thirty-one dollars (\$31).  
28 ~~(l)~~
- 29 (m) Fee to file a chiropractic corporation special report:  
30 thirty-one dollars (\$31).  
31 ~~(m)~~
- 32 (n) Fee to apply for approval as a referral service: five hundred  
33 fifty-seven dollars (\$557).  
34 ~~(n)~~
- 35 (o) Fee for an endorsed verification of licensure: one hundred  
36 twenty-four dollars (\$124).  
37 ~~(o)~~
- 38 (p) Fee for replacement of a lost or destroyed license: fifty  
39 dollars (\$50).  
40 ~~(p)~~

1 (q) Fee for replacement of a satellite office certificate: fifty  
2 dollars (\$50).

3 ~~(q)~~

4 (r) Fee for replacement of a certificate of registration of a  
5 chiropractic corporation: fifty dollars (\$50).

6 ~~(r)~~

7 (s) Fee to restore a forfeited or canceled license to practice  
8 chiropractic: double the annual renewal fee specified in subdivision  
9 (c).

10 ~~(s)~~

11 (t) Fee to apply for approval to serve as a preceptor: thirty-one  
12 dollars (\$31).

13 ~~(t)~~

14 (u) Fee to petition for reinstatement of a revoked license: three  
15 hundred seventy-one dollars (\$371).

16 ~~(u)~~

17 (v) Fee to petition for early termination of probation: three  
18 hundred seventy-one dollars (\$371).

19 ~~(v)~~

20 (w) Fee to petition for reduction of penalty: three hundred  
21 seventy-one dollars (\$371).

22 *SEC. 5. Section 1718 of the Business and Professions Code is*  
23 *amended to read:*

24 1718. Except as otherwise provided in this chapter, an expired  
25 license may be renewed at any time within five years after its  
26 expiration on filing of application for renewal on a form prescribed  
27 by the board, and payment of ~~all accrued~~ *the* renewal and  
28 delinquency fees. If the license is renewed more than 30 days after  
29 its expiration, the licensee, as a condition precedent to renewal,  
30 shall also pay the delinquency fee prescribed by this chapter.  
31 Renewal under this section shall be effective on the date on which  
32 the application is filed, on the date on which the renewal fee is  
33 paid, or on the date on which the delinquency fee, if any, is paid,  
34 whichever last occurs. If so renewed, the license shall continue in  
35 effect through the expiration date provided in Section 1715 which  
36 next occurs after the effective date of the renewal, when it shall  
37 expire if it is not again renewed.

38 *SEC. 6. Section 1718.3 of the Business and Professions Code*  
39 *is amended to read:*

1 1718.3. (a) A license which is not renewed within five years  
 2 after its expiration may not be renewed, restored, reinstated, or  
 3 reissued thereafter, but the holder of the license may apply for and  
 4 obtain a new license if the following requirements are satisfied:

5 (1) No fact, circumstance, or condition exists which would  
 6 justify denial of licensure under Section 480.

7 (2) ~~He or she~~ *The person* pays all of the fees which would be  
 8 required of him or her if he or she if *the person* were then applying  
 9 for the license for the first time and ~~all the~~ renewal and delinquency  
 10 fees which have accrued since the date on which he or she last  
 11 renewed his or her license. *fees.*

12 (3) ~~He or she~~ *The person* takes and passes the examination, if  
 13 any, which would be required of him or her if he or she if *the*  
 14 *person* were then applying for the license for the first time, or  
 15 otherwise establishes to the satisfaction of the board that with due  
 16 regard for the public interest, ~~he or she~~ *the person* is qualified to  
 17 practice the profession or activity in which ~~he or she~~ *again the*  
 18 *person* seeks to be licensed.

19 (b) The board may impose conditions on any license issued  
 20 pursuant to this section, as it deems necessary.

21 (c) The board may by regulation provide for the waiver or refund  
 22 of all or any part of the examination fee in those cases in which a  
 23 license is issued without an examination under this section.

24 *SEC. 7. Section 1936 of the Business and Professions Code is*  
 25 *amended to read:*

26 1936. Except as otherwise provided in this article, an expired  
 27 license may be renewed at any time within five years after its  
 28 expiration by filing an application for renewal on a form prescribed  
 29 by the hygiene board and payment of ~~all accrued~~ *the* renewal and  
 30 delinquency fees. If the license is renewed after its expiration, the  
 31 licensee, as a condition precedent of renewal, shall also pay the  
 32 delinquency fee prescribed by this article. Renewal under this  
 33 section shall be effective on the date on which the application is  
 34 filed, on the date on which the renewal fee is paid, or on the date  
 35 on which the delinquency fee, if any, is paid, whichever last occurs.  
 36 If so renewed, the license shall continue in effect until the  
 37 expiration date provided in Section 1935 that next occurs after the  
 38 effective date of the renewal.

39 *SEC. 8. Section 2427 of the Business and Professions Code is*  
 40 *amended to read:*

1 2427. (a) Except as provided in Section 2429, a license which  
2 has expired may be renewed at any time within five years after its  
3 expiration on filing an application for renewal on a form prescribed  
4 by the licensing authority and payment of ~~all accrued~~ *the* renewal  
5 ~~fees~~ *fee* and any other fees required by Section 2424. If the license  
6 is not renewed within 30 days after its expiration, the licensee, as  
7 a condition precedent to renewal, shall also pay the prescribed  
8 delinquency fee, if any. Except as provided in Section 2424,  
9 renewal under this section shall be effective on the date on which  
10 the renewal application is filed, on the date on which the renewal  
11 ~~fee or accrued renewal fees are~~ *is* paid, or on the date on which  
12 the delinquency fee or the delinquency fee and penalty fee, if any,  
13 are paid, whichever last occurs. If so renewed, the license shall  
14 continue in effect through the expiration date set forth in Section  
15 2422 or 2423 which next occurs after the effective date of the  
16 renewal, when it shall expire and become invalid if it is not again  
17 renewed.

18 (b) Notwithstanding subdivision (a), the license of a doctor of  
19 podiatric medicine which has expired may be renewed at any time  
20 within three years after its expiration on filing an application for  
21 renewal on a form prescribed by the licensing authority and  
22 payment of ~~all accrued~~ *the* renewal ~~fees~~ *fee* and any other fees  
23 required by Section 2424. If the license is not renewed within 30  
24 days after its expiration, the licensee, as a condition precedent to  
25 renewal, shall also pay the prescribed delinquency fee, if any.  
26 Except as provided in Section 2424, renewal under this section  
27 shall be effective on the date on which the renewal application is  
28 filed, on the date on which the renewal ~~fee or accrued renewal fees~~  
29 ~~are~~ *is* paid, or on the date on which the delinquency fee or the  
30 delinquency fee and penalty fee, if any, are paid, whichever last  
31 occurs. If so renewed, the license shall continue in effect through  
32 the expiration date set forth in Section 2422 or 2423 which next  
33 occurs after the effective date of the renewal, when it shall expire  
34 and become invalid if it is not again renewed.

35 *SEC. 9. Section 2456.3 of the Business and Professions Code*  
36 *is amended to read:*

37 2456.3. Except as provided in Section 2429, a license which  
38 has expired may be renewed at any time within five years after its  
39 expiration by filing an application for renewal on a form prescribed  
40 by the board and payment of ~~all accrued~~ *the* renewal ~~fees~~ *fee* and

1 any other fees required by Section 2455. Except as provided in  
 2 Section 2456.2, renewal under this section shall be effective on  
 3 the date on which the renewal application is filed, on the date on  
 4 which the renewal fee ~~or accrued renewal fees are~~ *is* paid, or on  
 5 the date on which the delinquency fee or the delinquency fee and  
 6 penalty fee, if any, are paid, whichever last occurs. If so renewed,  
 7 the license shall continue in effect through the expiration date set  
 8 forth in Section 2456.1 which next occurs after the effective date  
 9 of the renewal.

10 *SEC. 10. Section 2535.2 of the Business and Professions Code*  
 11 *is amended to read:*

12 2535.2. Except as provided in Section 2535.3, a license that  
 13 has expired may be renewed at any time within five years after its  
 14 expiration upon filing of an application for renewal on a form  
 15 prescribed by the board and payment of ~~all accrued and unpaid~~  
 16 ~~renewal fees.~~ *the renewal fee.* If the license is not renewed on or  
 17 before its expiration, the licensee, as a condition precedent to  
 18 renewal, shall also pay the prescribed delinquency fee. Renewal  
 19 under this section shall be effective on the date on which the  
 20 application is filed, on the date on which ~~all the renewal fees are~~  
 21 *fee is* paid, or on the date on which the delinquency fee is paid,  
 22 whichever last occurs. If so renewed, the license shall continue in  
 23 effect through the expiration date provided in Section 2535, after  
 24 the effective date of the renewal, when it shall expire and become  
 25 invalid if it is not again renewed.

26 *SEC. 11. Section 2538.54 of the Business and Professions Code*  
 27 *is amended to read:*

28 2538.54. Except as otherwise provided in this article, an expired  
 29 license may be renewed at any time within three years after its  
 30 expiration on filing of an application for renewal on a form  
 31 prescribed by the board, and payment of ~~all accrued and unpaid~~  
 32 ~~renewal fees.~~ *the renewal fee.* If the license is renewed after its  
 33 expiration the licensee, as a condition precedent to renewal, shall  
 34 also pay the delinquency fee prescribed by this article. Renewal  
 35 under this section shall be effective on the date on which the  
 36 application is filed, on the date on which the renewal fee is paid,  
 37 or on the date on which the delinquency fee, if any, is paid,  
 38 whichever last occurs. If so renewed, the license shall continue in  
 39 effect through the date provided in Section 2538.53 which next



1 occurs after the effective date of the renewal, when it shall expire  
2 if it is not again renewed.

3 *SEC. 12. Section 2646 of the Business and Professions Code*  
4 *is amended to read:*

5 2646. A license that has expired may be renewed at any time  
6 within five years after its expiration by applying for renewal as  
7 set forth in Section 2644. Renewal under this section shall be  
8 effective on the date on which the renewal application is filed, on  
9 the date on which the renewal fee ~~or accrued renewal fees are~~ *is*  
10 paid, or on the date on which the delinquency fee and penalty fee,  
11 if any, are paid, whichever last occurs. A renewed license shall  
12 continue in effect through the expiration date set forth in Section  
13 2644 that next occurs after the effective date of the renewal, at  
14 which time it shall expire and become invalid if it is not so  
15 renewed.

16 *SEC. 13. Section 2734 of the Business and Professions Code*  
17 *is amended to read:*

18 2734. Upon application in writing to the board and payment  
19 of ~~the a fee not to exceed 50 percent of the~~ biennial renewal fee,  
20 a licensee may have ~~his~~ *their* license placed in an inactive status  
21 for an indefinite period of time. A licensee whose license is in an  
22 inactive status may not practice nursing. However, such a licensee  
23 does not have to comply with the continuing education standards  
24 of Section 2811.5.

25 *SEC. 14. Section 2892.1 of the Business and Professions Code*  
26 *is amended to read:*

27 2892.1. Except as provided in Sections 2892.3 and 2892.5, an  
28 expired license may be renewed at any time within four years after  
29 its expiration upon filing of an application for renewal on a form  
30 prescribed by the board, payment of ~~all accrued and unpaid renewal~~  
31 ~~fees,~~ *the renewal fee,* and payment of any fees due pursuant to  
32 Section 2895.1.

33 If the license is renewed more than 30 days after its expiration,  
34 the licensee, as a condition precedent to renewal, shall also pay  
35 the delinquency fee prescribed by this chapter. Renewal under this  
36 section shall be effective on the date on which the application is  
37 filed, on the date on which ~~all the renewal fees are~~ *fee is* paid, or  
38 on the date on which the delinquency fee is paid, whichever last  
39 occurs. If so renewed, the license shall continue in effect through  
40 the date provided in Section 2892 which next occurs after the

1 effective date of the renewal, when it shall expire if it is not again  
2 renewed.

3 *SEC. 15. Section 2984 of the Business and Professions Code*  
4 *is amended to read:*

5 2984. Except as provided in Section 2985, a license that has  
6 expired may be renewed at any time within three years after its  
7 expiration on filing of an application for renewal on a form  
8 prescribed by the board and payment of ~~all accrued and unpaid~~  
9 ~~the renewal fees.~~ *fee*. If the license is renewed after its expiration,  
10 the licensee, as a condition precedent to renewal, shall also pay  
11 the prescribed delinquency fee, if any. Renewal under this section  
12 shall be effective on the date on which the application is filed, on  
13 the date on which ~~all the renewal fees are~~ *fee is* paid, or on the date  
14 on which the delinquency fee, if any, is paid, whichever last occurs.  
15 If so renewed, the license shall continue in effect through the  
16 expiration date provided in Section 2982 which next occurs after  
17 the effective date of the renewal, when it shall expire and become  
18 invalid if it is not again renewed.

19 *SEC. 16. Section 3147 of the Business and Professions Code*  
20 *is amended to read:*

21 3147. (a) Except as otherwise provided by Section 114, an  
22 expired optometrist license may be renewed at any time within  
23 three years after its expiration, and a retired license issued for less  
24 than three years may be reactivated to active status, by filing an  
25 application for renewal or reactivation on a form prescribed by the  
26 board, paying ~~all accrued and unpaid the renewal fees~~ *fee* or  
27 ~~reactivation fees~~ *fee* determined by the board, paying any  
28 delinquency fees prescribed by the board, and submitting proof of  
29 completion of the required number of hours of continuing education  
30 for the last two years, as prescribed by the board pursuant to  
31 Section 3059. Renewal or reactivation to active status under this  
32 section shall be effective on the date on which all of those  
33 requirements are satisfied. If so renewed or reactivated to active  
34 status, the license shall continue as provided in Sections 3146 and  
35 3147.5.

36 (b) Expired statements of licensure, branch office licenses, and  
37 fictitious name permits issued pursuant to Sections 3070, 3077,  
38 and 3078, respectively, may be renewed at any time by filing an  
39 application for renewal, paying ~~all accrued and unpaid renewal~~

1 ~~fees, the renewal fee~~, and paying any delinquency fees prescribed  
2 by the board.

3 *SEC. 17. Section 3147.7 of the Business and Professions Code*  
4 *is amended to read:*

5 3147.7. The provisions of Section 3147.6 shall not apply to a  
6 person holding a license that has not been renewed within three  
7 years of expiration, if the person provides satisfactory proof that  
8 ~~he or she~~ *the person* holds an active license from another state and  
9 meets all of the following conditions:

10 (a) Is not subject to denial of a license under Section 480.

11 (b) Applies in writing for restoration of the license on a form  
12 prescribed by the board.

13 (c) Pays ~~all accrued and unpaid~~ *the renewal fees fee* and any  
14 delinquency fees prescribed by the board.

15 (d) Submits proof of completion of the required number of hours  
16 of continuing education for the last two years.

17 (e) Takes and satisfactorily passes the board's jurisprudence  
18 examination.

19 *SEC. 18. Section 3524 of the Business and Professions Code*  
20 *is amended to read:*

21 3524. A license or approval that has expired may be renewed  
22 at any time within five years after its expiration by filing an  
23 application for renewal on a form prescribed by the board or  
24 Medical Board of California, as the case may be, and payment of  
25 ~~all accrued and unpaid renewal fees.~~ *the renewal fee*. If the license  
26 or approval is not renewed within 30 days after its expiration, the  
27 licensed physician assistant and approved supervising physician,  
28 as a condition precedent to renewal, shall also pay the prescribed  
29 delinquency fee, if any. Renewal under this section shall be  
30 effective on the date on which the application is filed, on the date  
31 on which ~~all the renewal fees are~~ *fee is* paid, or on the date on  
32 which the delinquency fee, if any, is paid, whichever occurs last.  
33 If so renewed, the license shall continue in effect through the  
34 expiration date provided in Section 3522 or 3523 which next occurs  
35 after the effective date of the renewal, when it shall expire, if it is  
36 not again renewed.

37 *SEC. 19. Section 3774 of the Business and Professions Code*  
38 *is amended to read:*

39 3774. On or before the birthday of a licensed practitioner in  
40 every other year, following the initial licensure, the board shall

1 mail to each practitioner licensed under this chapter, at the latest  
2 address furnished by the licensed practitioner to the executive  
3 officer of the board, a notice stating the amount of the renewal fee  
4 and the date on which it is due. The notice shall state that failure  
5 to pay the renewal fee on or before the due date and submit  
6 evidence of compliance with Sections 3719 and 3773 shall result  
7 in expiration of the license.

8 Each license not renewed in accordance with this section shall  
9 expire but may within a period of three years thereafter be  
10 reinstated upon payment of ~~all accrued and unpaid~~ the renewal  
11 fees and penalty fees required by this chapter. The board may also  
12 require submission of proof of the applicant's qualifications, except  
13 that during the three-year period no examination shall be required  
14 as a condition for the reinstatement of any expired license that has  
15 lapsed solely by reason of nonpayment of the renewal fee.

16 *SEC. 20. Section 3775.5 of the Business and Professions Code*  
17 *is amended to read:*

18 3775.5. The fee for an inactive license shall be ~~the same as~~ no  
19 more than 50 percent of the renewal fee for an active license for  
20 the practice of respiratory care as specified in Section 3775.

21 *SEC. 21. Section 4545 of the Business and Professions Code*  
22 *is amended to read:*

23 4545. Except as provided in Section 4545.2, a license that has  
24 expired may be renewed at any time within four years after its  
25 expiration on filing an application for renewal on a form prescribed  
26 by the board, payment of ~~all accrued and unpaid renewal fees,~~ the  
27 renewal fee, and payment of all fees required by this chapter. If  
28 the license is renewed more than 30 days after its expiration, the  
29 holder, as a condition precedent to renewal, shall also pay the  
30 delinquency fee prescribed by this chapter. Renewal under this  
31 section shall be effective on the date on which the application is  
32 filed, on the date on which the renewal fee is paid, or on the date  
33 on which the delinquency fee, if any, is paid, whichever last occurs.  
34 If so renewed, the license shall continue in effect through the date  
35 provided in Section 4544 which next occurs after the effective date  
36 of the renewal, when it shall expire if it is not again renewed.

37 A certificate which was forfeited for failure to renew under the  
38 law in effect before October 1, 1961, shall, for the purposes of this  
39 article, be considered to have expired on the date that it became  
40 forfeited.

1     *SEC. 22. Section 4843.5 of the Business and Professions Code*  
2     *is amended to read:*

3     4843.5. Except as otherwise provided in this article, an expired  
4     certificate of registration may be renewed at any time within five  
5     years after its expiration on filing of an application for renewal on  
6     a form prescribed by the board, and payment of ~~all accrued and~~  
7     ~~unpaid renewal fees.~~ *the renewal fee.* If the certificate of  
8     registration is renewed more than 30 days after its expiration, the  
9     registrant, as a condition precedent to renewal, shall also pay the  
10    delinquency fee prescribed by this article. Renewal under this  
11    section shall be effective on the date on which the application is  
12    filed, on the date ~~all the renewal fees are~~ *fee is* paid, or on the date  
13    on which the delinquency fee, if any, is paid, whichever occurs  
14    last.

15    *SEC. 23. Section 4901 of the Business and Professions Code*  
16    *is amended to read:*

17    4901. Except as otherwise provided in this chapter, an expired  
18    license or registration may be renewed at any time within five  
19    years after its expiration on filing of an application for renewal on  
20    a form prescribed by the board, and payment of ~~all accrued and~~  
21    ~~unpaid renewal fees.~~ *the renewal fee.* If the license or registration  
22    is renewed more than 30 days after its expiration, the licensee or  
23    registrant, as a condition precedent to renewal, shall also pay the  
24    delinquency fee prescribed by this chapter. Renewal under this  
25    section shall be effective on the date on which the application is  
26    filed, on the date on which ~~all renewal fees are~~ *the renewal fee is*  
27    paid, or on the date on which the delinquency fee, if any, is paid,  
28    whichever last occurs. If so renewed, the license or registration  
29    shall continue in effect through the expiration date provided in  
30    Section 4900 that next occurs after the effective date of the renewal,  
31    when it shall expire if it is not again renewed.

32    *SEC. 24. Section 4966 of the Business and Professions Code*  
33    *is amended to read:*

34    4966. Except as provided in Section 4969, a license that has  
35    expired may be renewed at any time within three years after its  
36    expiration by filing of an application for renewal on a form  
37    provided by the board, paying ~~all accrued and unpaid renewal fees,~~  
38    *the renewal fee,* and providing proof of completing continuing  
39    education requirements. If the license is not renewed prior to its  
40    expiration, the acupuncturist, as a condition precedent to renewal,

1 shall also pay the prescribed delinquency fee. Renewal under this  
 2 section shall be effective on the date on which the application is  
 3 filed, on the date on which the renewal fee is paid, or on the date  
 4 the delinquency fee is paid, whichever occurs last. If so renewed,  
 5 the license shall continue in effect through the expiration date  
 6 provided in Section 4965, after the effective date of the renewal,  
 7 when it shall expire and become invalid if it is not again renewed.

8 *SEC. 25. Section 4989.36 of the Business and Professions Code*  
 9 *is amended to read:*

10 4989.36. A licensee may renew a license that has expired at  
 11 any time within three years after its expiration date by taking all  
 12 of the actions described in Section 4989.32 and by paying ~~all~~  
 13 ~~unpaid prior renewal fees and delinquency fees.~~ *the delinquency*  
 14 *fee.*

15 *SEC. 26. Section 4999.104 of the Business and Professions*  
 16 *Code is amended to read:*

17 4999.104. Licenses issued under this chapter that have expired  
 18 may be renewed at any time within three years of expiration. To  
 19 renew an expired license described in this section, the licensee  
 20 shall do all of the following:

21 (a) File an application for renewal on a form prescribed by the  
 22 board.

23 ~~(b) Pay all fees that would have been paid if the license had not~~  
 24 ~~become delinquent.~~

25 ~~(c)~~

26 (b) Pay ~~all~~ *the delinquency fees.* *fee.*

27 ~~(d)~~

28 (c) Certify compliance with the continuing education  
 29 requirements set forth in Section 4999.76.

30 ~~(e)~~

31 (d) Notify the board whether ~~he or she~~ *the licensee* has been  
 32 convicted, as defined in Section 490, of a misdemeanor or felony,  
 33 or whether any disciplinary action has been taken by any regulatory  
 34 or licensing board in this or any other state, subsequent to the  
 35 licensee's last renewal.

36 *SEC. 27. Section 5070.6 of the Business and Professions Code*  
 37 *is amended to read:*

38 5070.6. Except as otherwise provided in this chapter, an expired  
 39 permit may be renewed at any time within five years after its  
 40 expiration upon the filing of an application for renewal on a form

1 prescribed by the board, payment of ~~all accrued and unpaid renewal~~  
2 ~~fees~~ *the renewal fee*, and providing evidence satisfactory to the  
3 board of compliance as required by Section 5070.5. If the permit  
4 is renewed after its expiration, its holder, as a condition precedent  
5 to renewal, shall also pay the delinquency fee prescribed by this  
6 chapter. Renewal under this section shall be effective on the date  
7 on which the application is filed, on the date on which the ~~accrued~~  
8 ~~renewal fees~~ *are fee is paid*, or on the date on which the  
9 delinquency fee, if any, is paid, whichever last occurs. If so  
10 renewed, the permit shall continue in effect through the date  
11 provided in Section 5070.5 that next occurs after the effective date  
12 of the renewal, when it shall expire if it is not again renewed.

13 *SEC. 28. Section 5600.2 of the Business and Professions Code*  
14 *is amended to read:*

15 5600.2. Except as otherwise provided in this chapter, a license  
16 which has expired may be renewed at any time within five years  
17 after its expiration on filing of application for renewal on a form  
18 prescribed by the board, and payment of ~~all accrued and unpaid~~  
19 ~~renewal fees~~ *the renewal fee*. If a license is renewed more than  
20 30 days after its expiration, the licenseholder, as a condition  
21 precedent to renewal, shall also pay the delinquency fee prescribed  
22 by this chapter. Renewal under this section shall be effective on  
23 the date on which the application is filed, on the date on which the  
24 renewal fee is paid, or on the date on which the delinquency fee,  
25 if any, is paid, whichever last occurs. If so renewed, the license  
26 shall continue in effect through the expiration date provided in this  
27 chapter which next occurs after the effective date of the renewal,  
28 when it shall expire if it is not again renewed.

29 *SEC. 29. Section 5680.1 of the Business and Professions Code*  
30 *is amended to read:*

31 5680.1. Except as otherwise provided in this chapter, a license  
32 that has expired may be renewed at any time within five years after  
33 its expiration on filing of an application for renewal on a form  
34 prescribed by the board, and payment of ~~all accrued and unpaid~~  
35 ~~renewal fees~~ *the renewal fee*. If the license is renewed more than  
36 30 days after its expiration, the licenseholder, as a condition  
37 precedent to renewal, shall also pay the delinquency fee prescribed  
38 by this chapter. Renewal under this section shall be effective on  
39 the date on which the application is filed, on the date on which ~~all~~  
40 ~~the renewal fees~~ *are fee is paid*, or on the date on which the

1 delinquency fee, if any, is paid, whichever last occurs. If so  
2 renewed, the license shall continue in effect through the date  
3 provided in Section 5680 that next occurs after the effective date  
4 of the renewal, when it shall expire if it is not again renewed.

5 *SEC. 30. Section 6796 of the Business and Professions Code*  
6 *is amended to read:*

7 6796. Except as otherwise provided in this article, certificates  
8 of registration as a professional engineer and certificates of  
9 authority may be renewed at any time within five years after  
10 expiration on filing of application for renewal on a form prescribed  
11 by the board and payment of ~~all accrued and unpaid renewal fees.~~  
12 *the renewal fee.* If the certificate is renewed more than 60 days  
13 after its expiration, the certificate holder, as a condition precedent  
14 to renewal, shall also pay the delinquency fee prescribed by this  
15 chapter. Renewal under this section shall be effective on the date  
16 on which the application is filed, on the date on which the renewal  
17 fee is paid, or on the date on which the delinquency fee, if any, is  
18 paid, whichever last occurs.

19 The expiration date of a certificate renewed pursuant to this  
20 section shall be determined pursuant to Section 6795.

21 *SEC. 31. Section 6980.28 of the Business and Professions Code*  
22 *is amended to read:*

23 6980.28. A locksmith license not renewed within three years  
24 following its expiration may not be renewed thereafter. Renewal  
25 of the license within three years, or issuance of an original license  
26 thereafter, shall be subject to payment of any ~~and all fines~~ *fine*  
27 assessed by the chief or the director ~~which are~~ *that is* not pending  
28 appeal and all other applicable fees.

29 *SEC. 32. Section 7076.5 of the Business and Professions Code*  
30 *is amended to read:*

31 7076.5. (a) A contractor may inactivate ~~his or her~~ *their* license  
32 by submitting a form prescribed by the registrar accompanied by  
33 the current active license certificate. When the current license  
34 certificate has been lost, the licensee shall pay the fee prescribed  
35 by law to replace the license certificate. Upon receipt of an  
36 acceptable application to inactivate, the registrar shall issue an  
37 inactive license certificate to the contractor. The holder of an  
38 inactive license shall not be entitled to practice as a contractor until  
39 ~~his or her~~ *their* license is reactivated.



1 (b) Any licensed contractor who is not engaged in work or  
2 activities which require a contractor's license may apply for an  
3 inactive license.

4 (c) Inactive licenses shall be valid for a period of four years  
5 from their due date.

6 (d) During the period that an existing license is inactive, no  
7 bonding requirement pursuant to Section 7071.6, 7071.8 or 7071.9  
8 or qualifier requirement pursuant to Section 7068 shall apply. An  
9 applicant for license having met the qualifications for issuance  
10 may request that the license be issued inactive unless the applicant  
11 is subject to the provisions of Section 7071.8.

12 (e) The board shall not refund any of the renewal fee which a  
13 licensee may have paid prior to the inactivation of ~~his or her~~ *the*  
14 license.

15 (f) An inactive license shall be renewed on each established  
16 renewal date by submitting the renewal application and paying the  
17 inactive renewal fee.

18 (g) An inactive license may be reactivated by submitting an  
19 application acceptable to the registrar, by paying ~~the full~~ *a fee no*  
20 *more than 50 percent of the* renewal fee for an active ~~license~~  
21 *license*, and by fulfilling all other requirements of this chapter. No  
22 examination shall be required to reactivate an inactive license.

23 (h) The inactive status of a license shall not bar any disciplinary  
24 action by the board against a licensee for any of the causes stated  
25 in this chapter.

26 *SEC. 33. Section 7417 of the Business and Professions Code*  
27 *is amended to read:*

28 7417. Except as otherwise provided in this article, a license  
29 that has expired for failure of the licensee to renew within the time  
30 fixed by this article may be renewed at any time within five years  
31 following its expiration upon application and payment of ~~all~~  
32 ~~accrued and unpaid~~ *the* renewal ~~fees~~ and delinquency fees. If the  
33 license is renewed after its expiration, the licensee, as a condition  
34 precedent to renewal, shall also pay the delinquency fee and meet  
35 current continuing education requirements, if applicable, prescribed  
36 by this chapter. Renewal under this section shall be effective on  
37 the date on which the application is filed, or on the date on which  
38 ~~the accrued renewal fees are~~ *fee is* paid, or on the date on which  
39 the delinquency fee, if any, is paid, whichever occurs last. If so  
40 renewed, the license shall continue in effect through the expiration

1 date provided in this article which next occurs following the  
2 effective date of the renewal, when it shall expire if it is not again  
3 renewed.

4 *SEC. 34. Section 7672.8 of the Business and Professions Code*  
5 *is amended to read:*

6 7672.8. All cremated remains disposer registrations shall expire  
7 at midnight on September 30 of each year. A person desiring to  
8 renew ~~his or her~~ *their* registration shall file an application for  
9 renewal on a form prescribed by the bureau accompanied by the  
10 required fee. A registration that has expired may be renewed within  
11 five years of its expiration upon payment of ~~all accrued and unpaid~~  
12 ~~renewal fees.~~ *the renewal fee.* The bureau shall not renew the  
13 registration of any person who has not filed the required annual  
14 report until ~~he or she~~ *the person* has filed a complete annual report  
15 with the department.

16 *SEC. 35. Section 7725.2 of the Business and Professions Code*  
17 *is amended to read:*

18 7725.2. Except as otherwise provided in this chapter, a license  
19 that has expired may be renewed at any time within five years after  
20 its expiration on filing of an application for renewal on a form  
21 prescribed by the bureau and payment of ~~all accrued and unpaid~~  
22 ~~renewal fees.~~ *the renewal fee.* If the license is not renewed within  
23 30 days after its expiration the licensee, as a condition precedent  
24 to renewal, shall also pay the delinquency fee prescribed by this  
25 chapter. Renewal under this section shall be effective on the date  
26 on which the application is filed, on the date on which ~~all the~~  
27 ~~renewal fees are~~ *fee is* paid, or on the date on which the  
28 delinquency fee, if any, is paid, whichever last occurs. If so  
29 renewed, the license shall continue in effect through the date  
30 provided in Section 7725 that next occurs after the effective date  
31 of the renewal, when it shall expire if it is not again renewed.

32 If a license is not renewed within one year following its  
33 expiration, the bureau may require as a condition of renewal that  
34 the holder of the license pass an examination on the appropriate  
35 subjects provided by this chapter.

36 *SEC. 36. Section 7729.1 of the Business and Professions Code*  
37 *is amended to read:*

38 7729.1. The amount of fees prescribed for a license or  
39 certificate of authority under this act is that fixed by the following  
40 provisions of this article. Any license or certificate of authority

1 provided under this act that has expired may be renewed within  
2 five years of its expiration upon payment of ~~all accrued and unpaid~~  
3 ~~renewal and regulatory fees.~~ *the renewal fee.*

4 *SEC. 37. Section 7881 of the Business and Professions Code*  
5 *is amended to read:*

6 7881. Except as otherwise provided in this article, certificates  
7 of registration as a geologist or as a geophysicist, or certified  
8 specialty certificates, may be renewed at any time within five years  
9 after expiration on filing an application for renewal on a form  
10 prescribed by the board and payment of ~~all accrued and unpaid~~  
11 ~~renewal fees.~~ *the renewal fee.* If the certificate is renewed more  
12 than 30 days after its expiration, the certificate holder, as a  
13 condition precedent to renewal, shall also pay the delinquency fee  
14 prescribed by this chapter. Renewal under this section shall be  
15 effective on the date on which the application is filed, on the date  
16 on which ~~all the renewal fees are~~ *fee is* paid, or on the date on  
17 which the delinquency fee, if any, is paid, whichever last occurs.  
18 If so renewed, the certificate shall continue in effect through the  
19 date provided in Section 7880 that next occurs after the effective  
20 date of the renewal, when it shall expire if it is not again renewed.

21 *SEC. 38. Section 7883 of the Business and Professions Code*  
22 *is amended to read:*

23 7883. A revoked certificate is subject to expiration as provided  
24 in this article, but it may not be renewed. If it is reinstated after its  
25 expiration, the holder of the certificate, as a condition precedent  
26 to its reinstatement, shall pay a reinstatement fee in an amount  
27 equal to the renewal fee in effect on the last regular date before  
28 the date on which it is ~~reinstated, plus all accrued and unpaid~~  
29 ~~renewal fees~~ *reinstated* and the delinquency fee, if any, accrued  
30 at the time of its revocation.

31 *SEC. 39. Section 8024.7 of the Business and Professions Code*  
32 *is amended to read:*

33 8024.7. The board shall establish an inactive category of  
34 licensure for persons who are not actively engaged in the practice  
35 of shorthand reporting.

36 (a) The holder of an inactive license issued pursuant to this  
37 section shall not engage in any activity for which a license is  
38 required.

39 (b) An inactive license issued pursuant to this section shall be  
40 renewed during the same time period in which an active license

1 is renewed. The holder of an inactive license is exempt from any  
2 continuing education requirement for renewal of an active license.

3 (c) The renewal fee for a license in an active status shall ~~apply~~  
4 ~~also for a renewal of a license in an inactive status, unless a lesser~~  
5 ~~renewal fee is specified by the board.~~ *be no more than 50 percent*  
6 *of the renewal fee for a license in an active status.*

7 (d) In order for the holder of an inactive license issued pursuant  
8 to this section to restore ~~his or her~~ *their* license to an active status,  
9 the holder of an inactive license shall comply with both of the  
10 following:

11 (1) Pay the renewal fee.

12 (2) If the board requires completion of continuing education for  
13 renewal of an active license, complete continuing education  
14 equivalent to that required for renewal of an active license, unless  
15 a different requirement is specified by the board.

16 *SEC. 40. Section 8802 of the Business and Professions Code*  
17 *is amended to read:*

18 8802. Except as otherwise provided in this article, licenses  
19 issued under this chapter may be renewed at any time within five  
20 years after expiration on filing of application for renewal on a form  
21 prescribed by the board and payment of ~~all accrued and unpaid~~  
22 ~~renewal fees.~~ *the renewal fee.* If the license is renewed more than  
23 30 days after its expiration, the licensee, as a condition precedent  
24 to renewal, shall also pay the delinquency fee prescribed by this  
25 chapter. Renewal under this section shall be effective on the date  
26 on which the application is filed, on the date on which the renewal  
27 fee is paid, or on the date on which the delinquency fee, if any, is  
28 paid, whichever last occurs. If so renewed, the license shall  
29 continue in effect through the date provided in Section 8801 which  
30 next occurs after the effective date of the renewal, when it shall  
31 expire if it is not again renewed.

32 *SEC. 41. Section 9832 of the Business and Professions Code*  
33 *is amended to read:*

34 9832. (a) Registrations issued under this chapter shall expire  
35 no more than 12 months after the issue date. The expiration date  
36 of registrations shall be set by the director in a manner to best  
37 distribute renewal procedures throughout the year.

38 (b) To renew an unexpired registration, the service dealer shall,  
39 on or before the expiration date of the registration, apply for

1 renewal on a form prescribed by the director, and pay the renewal  
2 fee prescribed by this chapter.

3 (c) To renew an expired registration, the service dealer shall  
4 apply for renewal on a form prescribed by the director, pay the  
5 renewal fee in effect on the last regular renewal date, and pay ~~all~~  
6 ~~accrued and unpaid~~ the delinquency ~~and renewal fees.~~ *fee.*

7 (d) Renewal is effective on the date that the application is ~~filed,~~  
8 ~~filed and~~ the renewal fee is paid, and ~~all~~ delinquency fees are paid.

9 (e) For purposes of implementing the distribution of the renewal  
10 of registrations throughout the year, the director may extend by  
11 not more than six months, the date fixed by law for renewal of a  
12 registration, except that in that event any renewal fee that may be  
13 involved shall be prorated in a manner that no person shall be  
14 required to pay a greater or lesser fee than would have been  
15 required had the change in renewal dates not occurred.

16 *SEC. 42. Section 9832.5 of the Business and Professions Code*  
17 *is amended to read:*

18 9832.5. (a) Registrations issued under this chapter shall expire  
19 no more than 12 months after the issue date. The expiration date  
20 of registrations shall be set by the director in a manner to best  
21 distribute renewal procedures throughout the year.

22 (b) To renew an unexpired registration, the service contractor  
23 shall, on or before the expiration date of the registration, apply for  
24 renewal on a form prescribed by the director, and pay the renewal  
25 fee prescribed by this chapter.

26 (c) To renew an expired registration, the service contractor shall  
27 apply for renewal on a form prescribed by the director, pay the  
28 renewal fee in effect on the last regular renewal date, and pay ~~all~~  
29 ~~accrued and unpaid~~ the delinquency and renewal fees.

30 (d) Renewal is effective on the date that the application is ~~filed,~~  
31 ~~filed and~~ the renewal fee is paid, and ~~all~~ delinquency fees are paid.

32 (e) For purposes of implementing the distribution of the renewal  
33 of registrations throughout the year, the director may extend, by  
34 not more than six months, the date fixed by law for renewal of a  
35 registration, except that, in that event, any renewal fee that may  
36 be involved shall be prorated in such a manner that no person shall  
37 be required to pay a greater or lesser fee than would have been  
38 required had the change in renewal dates not occurred.

39 (f) This section shall remain in effect only until January 1, 2023,  
40 and as of that date is repealed.

1     *SEC. 43. Section 9884.5 of the Business and Professions Code*  
2     *is amended to read:*

3     9884.5. A registration that is not renewed within three years  
4     following its expiration shall not be renewed, restored, or reinstated  
5     thereafter, and the delinquent registration shall be canceled  
6     immediately upon expiration of the three-year period.

7     An automotive repair dealer whose registration has been canceled  
8     by operation of this section shall obtain a new registration only if  
9     ~~he or she~~ *the automotive repair dealer* again meets the requirements  
10    set forth in this chapter relating to registration, is not subject to  
11    denial under Section 480, and pays the applicable fees.

12    An expired registration may be renewed at any time within three  
13    years after its expiration upon the filing of an application for  
14    renewal on a form prescribed by the bureau and the payment of  
15    ~~all accrued~~ *the* renewal and delinquency fees. Renewal under this  
16    section shall be effective on the date on which the application is  
17    filed and ~~all~~ *the* renewal and delinquency fees are paid. If so  
18    renewed, the registration shall continue in effect through the  
19    expiration date of the current registration year as provided in  
20    Section 9884.3, at which time the registration shall be subject to  
21    renewal.

22    *SEC. 44. Section 19170.5 of the Business and Professions Code*  
23    *is amended to read:*

24    19170.5. (a) Except as provided in Section 19170.3, licenses  
25    issued under this chapter expire two years from the date of  
26    issuance. To renew ~~his or her~~ *a* license, a licensee shall, on or  
27    before the date on which it would otherwise expire, apply for  
28    renewal on a form prescribed by the chief, and pay the fees  
29    prescribed by Sections 19170 and 19213.1. If a licensee fails to  
30    renew ~~his or her~~ *their* license before its expiration, a delinquency  
31    fee of 20 percent, but not more than one hundred dollars (\$100),  
32    notwithstanding the provisions of Section 163.5, shall be added  
33    to the renewal fee. If the renewal fee and delinquency fee are not  
34    paid within 90 days after expiration of a license, the licensee shall  
35    be assessed an additional penalty fee of 30 percent of the renewal  
36    fee.

37    (b) Except as otherwise provided in this chapter, a licensee may  
38    renew an expired license within six years after expiration of the  
39    license by filing an application for renewal on a form prescribed

1 by the bureau, and paying ~~all accrued renewal, delinquent, the~~  
2 *renewal, delinquency, and penalty fees.*

3 (c) A license that is not renewed within six years of its expiration  
4 shall not be renewed, restored, reinstated, or reissued, but the holder  
5 of the license may apply for and obtain a new license if both of  
6 the following requirements are satisfied:

7 (1) No fact, circumstance, or condition exists which would  
8 justify denial of licensure under Section 480.

9 (2) The licensee pays ~~all the renewal, delinquency, and penalty~~  
10 ~~fees that have accrued since the date on which the license was last~~  
11 ~~renewed.~~ *fees.*

12 (d) The bureau may impose conditions on any license issued  
13 pursuant to subdivision (c).

14 *SEC. 45. Section 19290 of the Business and Professions Code*  
15 *is amended to read:*

16 19290. (a) Permits issued under this chapter expire two years  
17 from the date of issuance. To renew a permit, a permittee shall,  
18 on or before the date on which it would otherwise expire, apply  
19 for renewal on a form prescribed by the chief, and continue to pay  
20 the fees prescribed in Sections 19288 and 19288.1. Notwithstanding  
21 Section 163.5, if a permittee fails to renew the permit before its  
22 expiration, a delinquency fee of 20 percent of the most recent fee  
23 paid to the bureau pursuant to Sections 19288 and 19288.1 shall  
24 be added to the amount due to the bureau at the next fee interval.  
25 If the renewal fee and delinquency fee are not paid within 90 days  
26 after expiration of a permit, the permittee shall be assessed an  
27 additional fee of 30 percent of the most recent fee paid to the  
28 bureau pursuant to Sections 19288 and 19288.1.

29 (b) Except as otherwise provided in this chapter, a permittee  
30 may renew an expired permit within two years after expiration of  
31 the permit by filing an application for renewal on a form prescribed  
32 by the bureau, and paying ~~all accrued~~ fees.

33 (c) A permit that is not renewed within two years of its  
34 expiration shall not be renewed, restored, reinstated, or reissued,  
35 but the holder of the expired permit may apply for and obtain a  
36 new permit as provided in this chapter, upon payment of all fees  
37 that accrued since the date the permit was last renewed.

38 (d) The bureau may impose conditions on any permit issued  
39 pursuant to subdivision (c).

1 SECTION 1. ~~Section 4073 of the Business and Professions~~  
2 ~~Code is amended to read:~~

3 4073. (a) ~~A pharmacist filling a prescription order for a drug~~  
4 ~~product prescribed by its trade or brand name may select another~~  
5 ~~drug product with the same active chemical ingredients of the same~~  
6 ~~strength, quantity, and dosage form, and of the same generic drug~~  
7 ~~name as determined by the United States Adopted Names (USAN)~~  
8 ~~and accepted by the federal Food and Drug Administration (FDA),~~  
9 ~~of those drug products having the same active chemical ingredients.~~

10 (b) ~~In no case shall a selection be made pursuant to this section~~  
11 ~~if the prescriber personally indicates, either orally or in the~~  
12 ~~prescriber's own handwriting, "Do not substitute," or words of~~  
13 ~~similar meaning. Nothing in this subdivision shall prohibit a~~  
14 ~~prescriber from checking a box on a prescription marked "Do not~~  
15 ~~substitute"; provided that the prescriber personally initials the box~~  
16 ~~or checkmark. To indicate that a selection shall not be made~~  
17 ~~pursuant to this section for an electronic data transmission~~  
18 ~~prescription as defined in subdivision (c) of Section 4040, a~~  
19 ~~prescriber may indicate "Do not substitute," or words of similar~~  
20 ~~meaning, in the prescription as transmitted by electronic data, or~~  
21 ~~may check a box marked on the prescription "Do not substitute."~~  
22 ~~In either instance, it shall not be required that the prohibition on~~  
23 ~~substitution be manually initialed by the prescriber.~~

24 (c) ~~Selection pursuant to this section is within the discretion of~~  
25 ~~the pharmacist, except as provided in subdivision (b). The person~~  
26 ~~who selects the drug product to be dispensed pursuant to this~~  
27 ~~section shall assume the same responsibility for selecting the~~  
28 ~~dispensed drug product as would be incurred in filling a~~  
29 ~~prescription for a drug product prescribed by generic name. There~~  
30 ~~shall be no liability on the prescriber for an act or omission by a~~  
31 ~~pharmacist in selecting, preparing, or dispensing a drug product~~  
32 ~~pursuant to this section. In no case shall the pharmacist select a~~  
33 ~~drug product pursuant to this section unless the drug product~~  
34 ~~selected costs the patient less than the prescribed drug product.~~  
35 ~~Cost, as used in this subdivision, is defined to include any~~  
36 ~~professional fee that may be charged by the pharmacist.~~

37 (d) ~~This section shall apply to all prescriptions, including those~~  
38 ~~presented by or on behalf of persons receiving assistance from the~~  
39 ~~federal government or pursuant to the California Medical~~  
40 ~~Assistance Program set forth in Chapter 7 (commencing with~~



1 ~~Section 14000) of Part 3 of Division 9 of the Welfare and~~  
2 ~~Institutions Code.~~

3 ~~(e) When a substitution is made pursuant to this section, the use~~  
4 ~~of the cost-saving drug product dispensed shall be communicated~~  
5 ~~to the patient and the name of the dispensed drug product shall be~~  
6 ~~indicated on the prescription label, except where the prescriber~~  
7 ~~orders otherwise.~~

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**ASSEMBLY BILL****No. 613**

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**Introduced by Assembly Member Low**February 14, 2019

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An act to add Section 101.1 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

## LEGISLATIVE COUNSEL'S DIGEST

AB 613, as introduced, Low. Professions and vocations: regulatory fees.

Existing law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of regulating various professions and vocations, and generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 101.1 is added to the Business and  
2 Professions Code, to read:

3 101.1. (a) Notwithstanding any other law, no more than once  
4 every four years, any board listed in Section 101 may increase any  
5 fee authorized to be imposed by that board by an amount not to  
6 exceed the increase in the California Consumer Price Index, as  
7 determined pursuant to Section 2212 of the Revenue and Taxation  
8 Code, for the preceding four years in accordance with the  
9 following:

10 (1) The board shall provide its calculations and proposed fee,  
11 rounded to the nearest whole dollar, to the director and the director  
12 shall approve the fee increase unless any of the following apply:

13 (A) The board has unencumbered funds in an amount that is  
14 equal to more than the board’s operating budget for the next two  
15 fiscal years.

16 (B) The fee would exceed the reasonable regulatory costs to the  
17 board in administering the provisions for which the fee is  
18 authorized.

19 (C) The director determines that the fee increase would be  
20 injurious to the public health, safety, or welfare.

21 (2) The adjustment of fees and publication of the adjusted fee  
22 list is not subject to the Administrative Procedure Act (Chapter  
23 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
24 Title 2) of the Government Code.

25 (b) For purposes of this section, “fee” includes any fees  
26 authorized to be imposed by a board for regulatory costs. “Fee”  
27 does not include administrative fines, civil penalties, or criminal  
28 penalties.

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AMENDED IN ASSEMBLY MARCH 27, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL****No. 1076****Introduced by Assembly Member Ting**

February 21, 2019

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An act to add Sections 851.93 and 1203.425 to the Penal Code, relating to criminal records.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1076, as amended, Ting. Criminal records: automatic relief.

Existing law authorizes a person who was arrested and has successfully completed a prefiling diversion program, a person who has successfully completed a specified drug diversion program, a person who has successfully completed a specified deferred entry of judgment program, and a person who has suffered an arrest that did not result in a conviction, under certain conditions, to petition the court to seal the person's arrest record. Under existing law, if a defendant successfully completes certain diversion programs, the arrest for the crime for which the defendant was diverted is deemed to have never occurred.

Existing law authorizes a defendant to petition to withdraw the defendant's plea of guilty or nolo contendere and enter a plea of not guilty, if the defendant has fulfilled the conditions of probation, or if other specified circumstances are met, and the defendant is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense. If relief is granted, existing law requires the court to dismiss the accusation or information against the defendant and release the defendant from all penalties and disabilities resulting from the offense, with exceptions. Existing law also authorizes a defendant to file a similar petition if the defendant was convicted of

a misdemeanor and not granted probation, was convicted of an infraction, or completed a sentence for certain felonies, and the defendant met specified conditions.

This bill would, commencing January 1, 2021, require the Department of Justice, on a weekly basis, to review the records in the ~~state summary criminal history information database~~ *statewide criminal justice databases* and to identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure. The bill would require the department to grant relief to an eligible person, without requiring a petition or motion. The bill would not limit petitions, motions, or orders for relief, as required or authorized by any other law.

The bill would require an update to the state summary criminal history information to document the relief granted. The bill would require the department, on a weekly basis, to *electronically* submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which relief was granted. The bill would prohibit the court from disclosing information concerning an arrest or conviction granted relief, with exceptions.

The bill would authorize the prosecuting attorney to file a motion to prohibit the department from granting automatic relief for criminal conviction records as described above. If the court grants that motion, the bill would prohibit the department from granting relief, but the person would continue to be eligible for relief through other existing procedures, including petitions to the court.

*The bill would require the Department of Justice to annually publish statistics regarding relief granted pursuant to the provisions of this bill, as specified.*

*The bill would require a court, at the time of sentencing, to advise each defendant of their right to conviction relief pursuant to the provisions of this bill, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 851.93 is added to the Penal Code, to  
2 read:  
3 851.93. (a) (1) On a weekly basis, the Department of Justice  
4 shall review the records in the ~~state summary criminal history~~

1 ~~information database and shall identify persons who are eligible~~  
2 ~~for relief in their arrest records pursuant to Section 851.87, 851.90,~~  
3 ~~851.91, 1000.4, or 1001.9, and whose arrests meet the conditions~~  
4 ~~described in paragraph (2): statewide criminal justice databases,~~  
5 ~~and based on information in the Automated Criminal History~~  
6 ~~System, shall identify persons with records of arrest that meet the~~  
7 ~~criteria set forth in paragraph (2) and are eligible for arrest record~~  
8 ~~relief.~~

9 (2) A person is eligible for relief pursuant to this section, if the  
10 ~~underlying arrest shall meet all~~ *meets* any of the following  
11 conditions:

12 ~~(A) Either of the following criteria is met:~~

13 (A) *The arrest was for a misdemeanor offense and the charge*  
14 *was dismissed.*

15 (i)

16 (B) ~~The arrest is~~ *was for a misdemeanor offense, and at least*  
17 *one calendar year has elapsed since the date of the* ~~arrest.~~ *arrest,*  
18 *and no conviction occurred, or the arrestee was acquitted of any*  
19 *charges that arose, from that arrest.*

20 (ii)

21 (C) ~~The arrest is~~ *was for a felony offense an offense that is*  
22 *punishable by imprisonment pursuant to paragraph (1) or (2) of*  
23 *subdivision (h) of Section 1170, and at least three calendar years*  
24 *have elapsed since the date of the* ~~arrest.~~ *arrest, and no conviction*  
25 *occurred, or the arrestee was acquitted of any charges arising*  
26 *from, that arrest.*

27 ~~(B) A criminal conviction did not result based on the arrest.~~

28 (C) ~~Nothing in the arrest record indicates that proceedings~~  
29 ~~seeking conviction remain pending.~~

30 (D) *The person successfully completed any of the following,*  
31 *relating to that arrest:*

32 (i) *A prefiling diversion program, as defined in Section 851.87,*  
33 *administered by a prosecuting attorney in lieu of filing an*  
34 *accusatory pleading.*

35 (ii) *A drug diversion program administered by a superior court*  
36 *pursuant to Section 1000.5, or a deferred entry of judgment*  
37 *program pursuant to Section 1000 or 1000.8.*

38 (iii) *A pretrial diversion program, pursuant to Section 1000.4.*

39 (iv) *A diversion program, pursuant to Section 1001.9.*

1 (v) Any diversion program described in Chapters 2.8  
 2 (commencing with Section 1001.20), 2.8A (commencing with  
 3 Section 1001.35), 2.9 (commencing with Section 1001.50), 2.9A  
 4 (commencing with Section 1001.60), 2.9B (commencing with  
 5 Section 1001.70), 2.9C (commencing with Section 1001.80), or  
 6 2.9D (commencing with Section 1001.81), of Title 6.

7 (b) (1) The department shall grant relief to a person identified  
 8 pursuant to subdivision (a), without requiring a petition or motion  
 9 by a party for that relief.

10 ~~(2) Section 851.92 does not apply to relief granted pursuant to~~  
 11 ~~this section.~~

12 ~~(3)~~

13 (2) The state summary criminal history information shall  
 14 include, directly next to or below the entry or entries regarding the  
 15 person’s arrest record, a note stating “arrest relief granted,” listing  
 16 the date that the department granted relief, ~~and this section, and~~  
 17 ~~the section pursuant to which the relief was granted.~~ *section.* This  
 18 note shall be included in all statewide criminal databases with a  
 19 record of the arrest.

20 (3) *Except as otherwise provided in subdivision (d), an arrest*  
 21 *for which arrest relief has been granted is deemed not to have*  
 22 *occurred, and a person who has been granted arrest relief is*  
 23 *released from any penalties and disabilities resulting from the*  
 24 *arrest, and may answer any question relating to that arrest*  
 25 *accordingly.*

26 (c) (1) On a weekly basis, the department shall *electronically*  
 27 submit a notice to the superior court having jurisdiction over the  
 28 criminal case, informing the court of all cases for which relief was  
 29 granted pursuant to this section. The court shall not disclose  
 30 information concerning an arrest that is granted relief pursuant to  
 31 this section to any person or entity, except to the person whose  
 32 arrest was granted relief or a criminal justice agency, as defined  
 33 in Section 851.92.

34 (2) The department shall not disclose information concerning  
 35 an arrest that is granted relief pursuant to this section to a board,  
 36 as defined in Section 22 of the Business and Professions Code.

37 (d) ~~(1) Relief granted pursuant to this section is subject to the~~  
 38 ~~following conditions: does~~

39 (1) *Arrest relief does not relieve a person of the obligation to*  
 40 *disclose an arrest in response to a direct question contained in a*

1 questionnaire or application for employment as a peace officer, as  
2 defined in Section 830.

3 (2) Relief granted pursuant to this section has no effect on the  
4 ability of a criminal justice agency, as defined in Section 851.92,  
5 to access and use records that are granted relief. *relief to the same*  
6 *extent that would have been permitted for a criminal justice agency*  
7 *had relief not been granted.*

8 (3) Relief granted pursuant to this section does not affect a  
9 person's authorization to own, possess, or have in the person's  
10 custody or control any firearm, or the person's susceptibility to  
11 conviction under Chapter 2 (commencing with Section 29800) of  
12 Division 9 of Title 4 of Part 6, if the arrest would otherwise affect  
13 this authorization or susceptibility.

14 (4) Relief granted pursuant to this section does not affect any  
15 prohibition from holding public office that would otherwise apply  
16 under law as a result of the arrest.

17 (5) *Relief granted pursuant to this section is subject to the*  
18 *provisions of Section 11105.*

19 (e) This section shall not limit petitions, motions, or orders for  
20 arrest record relief, as required or authorized by any other law,  
21 including, but not limited to, Sections 851.87, 851.90, 851.91,  
22 1000.4, and 1001.9.

23 (f) *The department shall annually publish statistics regarding*  
24 *the total number of arrests granted relief pursuant to this section,*  
25 *by county, on the OpenJustice Web portal, as defined in Section*  
26 *13010.*

27 (f)

28 (g) This section shall be operative commencing January 1, 2021.

29 SEC. 2. Section 1203.425 is added to the Penal Code,  
30 immediately following Section 1203.42, to read:

31 1203.425. (a) (1) On a weekly basis, the Department of Justice  
32 shall review the records in ~~the state summary criminal history~~  
33 ~~information database and shall identify persons who are eligible~~  
34 ~~for relief in their criminal conviction records pursuant to Section~~  
35 ~~1203.4, 1203.4a, 1203.41, or 1203.42. the statewide criminal justice~~  
36 ~~databases, and based on information in the Automated Criminal~~  
37 ~~History System and the Supervised Release File, shall identify~~  
38 ~~persons with convictions that meet the criteria set forth in~~  
39 ~~paragraph (2) and are eligible for automatic conviction record~~  
40 ~~relief.~~



1 (2) A person is eligible for automatic conviction relief pursuant  
2 to this section if they meet all of the following conditions:

3 (A) The person is not required to register pursuant to Section  
4 290.

5 (B) The person is not under active local, state, or federal  
6 supervision, according to the Supervised Release File.

7 (C) The person is not currently serving a sentence for any  
8 offense and does not have any pending criminal charges.

9 (D) The conviction meets one of the following criteria:

10 (i) The defendant was sentenced to probation and has completed  
11 their term of probation without revocation.

12 (ii) The defendant was convicted of an infraction or  
13 misdemeanor and was not granted probation, has completed their  
14 sentence or paid their fine, and at least one calendar year has  
15 elapsed since the date of judgment.

16 (iii) The defendant was sentenced pursuant to subparagraph  
17 (B) of paragraph (5) of subdivision (h) of Section 1170, and one  
18 year has elapsed following the completion of sentence, or, the  
19 defendant was sentenced pursuant to subparagraph (A) of  
20 paragraph (5) of subdivision (h) of Section 1170, and two years  
21 has elapsed following the completion of sentence.

22 (iv) The defendant was sentenced before January 1, 2012 for a  
23 crime which, on or after January 1, 2012, would have been eligible  
24 for sentencing pursuant to subdivision (h) of Section 1170, and  
25 two years have elapsed following the defendant's completion of  
26 the sentence.

27 (b) (1) Except as specified in subdivision (g), the department  
28 shall grant relief, including dismissal of a conviction, to a person  
29 identified pursuant to subdivision (a), without requiring a petition  
30 or motion by a party for that relief.

31 (2) The state summary criminal history information shall  
32 include, directly next to or below the entry or entries regarding the  
33 person's criminal record, a note stating "relief granted," listing the  
34 date that the department granted relief, relief and this section, and  
35 the section pursuant to which the relief was granted. section. This  
36 note shall be included in all statewide criminal databases with a  
37 record of the conviction.

38 (3) Except as otherwise provided in subdivision (d) and in  
39 Section 13555 of the Vehicle Code, a person granted conviction  
40 relief pursuant to this section shall be released from all penalties

1 *and disabilities resulting from the offense of which he or she has*  
2 *been convicted.*

3 (c) (1) On a weekly basis, the department shall *electronically*  
4 submit a notice to the superior court having jurisdiction over the  
5 criminal case, informing the court of all cases for which relief was  
6 granted pursuant to this section. The court shall not disclose  
7 information concerning a conviction granted relief pursuant to this  
8 section to any person or entity, except to the person whose  
9 conviction was granted relief or a criminal justice agency, as  
10 defined in Section 851.92.

11 (2) The department shall not disclose information concerning  
12 a criminal conviction record that is granted relief pursuant to this  
13 section to a board, as defined in Section 22 of the Business and  
14 Professions Code.

15 (d) ~~(4)~~ Relief granted pursuant to this section *is subject to the*  
16 *following conditions:* ~~does~~

17 (1) *Relief granted pursuant to this section does not relieve a*  
18 *person of the obligation to disclose a criminal conviction in*  
19 *response to a direct question contained in a questionnaire or*  
20 *application for employment as a peace officer, as defined in Section*  
21 *830.*

22 (2) *Relief granted pursuant to this section does not relieve a*  
23 *person of the obligation to disclose the conviction in response to*  
24 *any direct question contained in any questionnaire or application*  
25 *for public office, for licensure by any state or local agency, or for*  
26 *contracting with the California State Lottery Commission.*

27 ~~(2)~~

28 (3) Relief granted pursuant to this section has no effect on the  
29 ability of a criminal justice agency, as defined in Section 851.92,  
30 to access and use records that are granted ~~relief.~~ *relief to the same*  
31 *extent that would have been permitted for a criminal justice agency*  
32 *had relief not been granted.*

33 ~~(3)~~

34 (4) Relief granted pursuant to this section does not affect a  
35 person's authorization to own, possess, or have in the person's  
36 custody or control any firearm, or the person's susceptibility to  
37 conviction under Chapter 2 (commencing with Section 29800) of  
38 Division 9 of Title 4 of Part 6, if the criminal conviction would  
39 otherwise affect this authorization or susceptibility.

40 ~~(4)~~

1 (5) Relief granted pursuant to this section does not affect any  
2 prohibition from holding public office that would otherwise apply  
3 under law as a result of the criminal conviction.

4 (6) *In any subsequent prosecution of the defendant for any other*  
5 *offense, the prior conviction may be pleaded and proved and shall*  
6 *have the same effect as if the relief had not been granted.*

7 (e) This section shall not limit petitions, motions, or orders for  
8 relief in a criminal case, as required or authorized by any other  
9 law, including, but not limited to, Sections 1203.4, 1203.4a,  
10 1203.41, and 1203.42.

11 (f) *The department shall annually publish statistics regarding*  
12 *the total number of convictions granted relief pursuant to this*  
13 *section, and the total number of convictions prohibited from*  
14 *automatic relief pursuant to subdivision (h), by county, on the*  
15 *OpenJustice Web portal, as defined in Section 13010.*

16 ~~(f)~~

17 (g) Subdivisions (a) to ~~(e)~~, (g) inclusive, shall be operative  
18 commencing January 1, 2021.

19 ~~(g)~~

20 (h) No later than 90 calendar days before the date of a person's  
21 eligibility for relief pursuant to ~~Section 1203.4, 1203.4a, 1203.41,~~  
22 ~~or 1203.42, this section~~, the prosecuting attorney or probation  
23 department may file a motion to prohibit the department from  
24 granting automatic relief pursuant to this section. If the court grants  
25 that motion, the department shall not grant relief pursuant to this  
26 section, but the person may continue to be eligible for relief  
27 pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42.

28 (i) *At the time of sentencing, the court shall advise a defendant,*  
29 *either orally or in writing, of the provisions of this section and of*  
30 *the defendant's right, if any, to petition for a certificate of*  
31 *rehabilitation and pardon.*

AMENDED IN SENATE MARCH 5, 2019

**SENATE BILL**

**No. 53**

**Introduced by Senator Wilk**

~~(Coauthor: Assembly Member Lackey)~~

**(Coauthors: Senators Bates, Glazer, Jones, and Portantino)**

*(Coauthors: Assembly Members Choi, Gallagher, Lackey, Mathis, and Patterson)*

December 10, 2018

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in ~~his or her~~ *their* official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11121 of the Government Code is  
2 amended to read:

3 11121. As used in this article, “state body” means each of the  
4 following:

5 (a) Every state board, or commission, or similar multimember  
6 body of the state that is created by statute or required by law to  
7 conduct official meetings and every commission created by  
8 executive order.

9 (b) A board, commission, committee, or similar multimember  
10 body that exercises any authority of a state body delegated to it by  
11 that state body.

12 (c) An advisory board, advisory commission, advisory  
13 committee, advisory subcommittee, or similar multimember  
14 advisory body of a state body, if created by formal action of the  
15 state body or of any member of the state body, and if the advisory  
16 body so created consists of three or more persons, except as  
17 provided in subdivision (d).

18 (d) A board, commission, committee, or similar multimember  
19 body on which a member of a body that is a state body pursuant  
20 to this section serves in ~~his or her~~ *their* official capacity as a  
21 representative of that state body and that is supported, in whole or  
22 in part, by funds provided by the state body, whether the  
23 multimember body is organized and operated by the state body or  
24 by a private corporation.

25 (e) Notwithstanding subdivision (a) of Section 11121.1, the  
26 State Bar of California, as described in Section 6001 of the  
27 Business and Professions Code. This subdivision shall become  
28 operative on April 1, 2016.

29 SEC. 2. This act is an urgency statute necessary for the  
30 immediate preservation of the public peace, health, or safety within  
31 the meaning of Article IV of the California Constitution and shall  
32 go into immediate effect. The facts constituting the necessity are:

1 In order to avoid unnecessary litigation and ensure the people's  
2 right to access the meetings of public bodies pursuant to Section  
3 3 of Article 1 of the California Constitution, it is necessary that  
4 this act take effect immediately.

O

AMENDED IN SENATE MARCH 28, 2019

**SENATE BILL**

**No. 601**

**Introduced by Senator Morrell**  
*(Coauthors: Senators Bates, Borgeas, and Nielsen)*  
*(Coauthors: Assembly Members Dahle and Mathis)*

February 22, 2019

An act to add Section 11009.5 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 601, as amended, Morrell. State agencies: licenses: fee waiver.

Existing law requires various licenses to be obtained by a person before engaging in certain professions or vocations or business activities, including licensure as a healing arts professional by various boards within the Department of Consumer Affairs.

This bill would authorize any state agency that issues any business license to reduce or waive any required fees for licensure, renewal of licensure, or the replacement of a physical license for display if a person or business establishes to the satisfaction of the state agency that the person or business has been displaced *or affected* by a declared ~~emergency~~, *federal emergency or proclaimed state emergency*, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11009.5 is added to the Government
- 2 Code, to read:

- 1 11009.5. (a) Notwithstanding any other law, a state agency  
2 that issues any business license may, within one year of the  
3 ~~declaration~~ *proclamation* of an emergency as defined in Section  
4 ~~8558, 8558~~ *or a declared federal emergency*, reduce or waive any  
5 required fees for licensure, renewal of licensure, or the replacement  
6 of a physical license for display if a person or business establishes  
7 to the satisfaction of the state agency that the person or business  
8 has been displaced *or affected* by the *proclaimed or* declared  
9 emergency.
- 10 (b) For purposes of this section, “license” includes, but is not  
11 limited to, a certificate, registration, or other required document  
12 to engage in business.



AMENDED IN SENATE APRIL 11, 2019

**SENATE BILL**

**No. 608**

**Introduced by Senator Glazer**

February 22, 2019

An act to amend ~~Section 5536.22~~ of Sections 144, 5510, 5517, 5520, 5536, 5536.22, 5552.5, 5600.05, 5616, 5620, 5621, and 5622, of, and to add Sections 5526.5 and 5620.2 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 608, as amended, Glazer. ~~Architects: contracts.~~ *Architects.*

(1) *Existing law regulating professions and vocations requires certain designated agencies, within the purview of the Department of Consumer Affairs, to require applicants to furnish their fingerprints for purposes of conducting criminal history record checks.*

*This bill would, beginning on January 1, 2021, add the California Architects Board to the listed of designated agencies subject to these provisions.*

~~Existing~~

(2) *Existing law, the Architects Practice Act, establishes the California Architects Board consisting of 10 members and sets forth its powers and duties over the licensure and regulation of architects. Under The act permits the board to appoint a person who is exempt from civil service as its executive officer to exercise duties delegated to the officer by the board. Existing law transfers duties previously within the jurisdiction of the California State Board of Landscape Architects to the California Architects Board. Existing law also creates a Landscape Architects Technical Committee within the jurisdiction of the board and authorizes the committee to assist the board in examining candidates*

*for a landscape architect's license and, after investigation, evaluate and make recommendations regarding potential violations of the act. Existing law repeals these provisions on January 1, 2020.*

*This bill would extend the operation of these provisions until January 1, 2024. The bill would also confer specified powers of the board to its executive officer; or, in the executive officer's absence, to the acting executive officer. These powers would include receiving and filing accusations, issuing notices of hearings, and conducting various other duties in connection with the board's administrative hearing duties. The bill would additionally delegate to the executive officer of the board the board's power to evaluate and determine qualifications and approve applicants for examination and determine eligibility for applicants for reciprocity licenses to waive the written examination.*

*This bill would also make nonsubstantive changes to those provisions related to the renaming of the "State Board of Architectural Examiners" to the "California Architects Board."*

*(3) Existing law authorizes boards within the Department of Consumer Affairs, to establish, by regulation, a system for issuing a citation to a licensee in accordance with certain provisions. Under existing law, the system is required to contain, among other elements, information provided to the licensee that if they desire a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 days of the date of issuance of the citation or assessment.*

*This bill would authorize a cited person subject to the Architects Practice Act, in addition to requesting an administrative hearing as described above, to request an informal conference to review the acts charged in the citation, in accordance with certain procedural requirements and timeframes.*

*(4) Under existing law, an architect is required to use a written contract when contracting to provide professional services, as specified. Existing law requires that the contract include, among other things, a description of services to be provided and a description of the procedure to be used to accommodate additional services.*

*This bill would require the written contract to also include a description of the project, a description of the procedure that will be used to accommodate contract changes, the project address, a statement identifying the ownership and use of instruments of service prepared by the architect, and a statement notifying the client that the architect is licensed and regulated by the ~~board~~: board located at a specified*

*address. The bill would provide the written contract requirement does not apply to professional services rendered to a public agency.*

*(5) Existing law requires a landscape architect to use a written contract when contracting to provide professional services. Existing law requires that the contract include, among other things, a description of services to be provided, a description of the procedure to be used to accommodate additional services, and a notice that landscape architects are licensed by the State of California.*

*This bill would require the written contract to also include a description of the project for which the client is seeking services, a description of the procedure that the landscape architect and the client will use to accommodate contract changes, a statement identifying the ownership and use of instruments of service prepared, and a statement notifying the client that the landscape architect is licensed by the Landscape Architects Technical Committee located at a specified address. The bill would revise and recast related provisions governing written contracts for landscape architects.*

*(6) Existing law makes it a misdemeanor punishable as specified, for a person to advertise or represent that they are a “registered building designer” or registered or otherwise licensed by the state as a building designer.*

*This bill would delete the above misdemeanor penalty provision prohibiting a person from advertising or representing that they are a “registered building designer” or registered or otherwise licensed by the state as a building designer.*

*(7) Existing law requires a person licensed to practice architecture to complete, as a condition of license renewal, a specified amount of coursework regarding disability access requirements that depends on the date of renewal. Existing law requires a licensee to comply with specified recordkeeping requirements to that effect.*

*This bill would revise and recast those requirements to, among other changes, require a licensee to complete 5 hours of coursework that meets certain requirements, and would require the board to promulgate regulations to establish qualifications for courses and course providers by January 1, 2023. The bill would also make a licensee who provides false or misleading information as it relates to completion of coursework requirements subject to an administrative citation or disciplinary action by the board and would make specified changes to the recordkeeping requirements.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 144 of the Business and Professions Code  
 2     is amended to read:  
 3     144. (a) Notwithstanding any other law, an agency designated  
 4     in subdivision (b) shall require an applicant to furnish to the agency  
 5     a full set of fingerprints for purposes of conducting criminal history  
 6     record checks. Any agency designated in subdivision (b) may  
 7     obtain and receive, at its discretion, criminal history information  
 8     from the Department of Justice and the United States Federal  
 9     Bureau of Investigation.  
 10    (b) Subdivision (a) applies to the following:  
 11    (1) California Board of Accountancy.  
 12    (2) State Athletic Commission.  
 13    (3) Board of Behavioral Sciences.  
 14    (4) Court Reporters Board of California.  
 15    (5) State Board of Guide Dogs for the Blind.  
 16    (6) California State Board of Pharmacy.  
 17    (7) Board of Registered Nursing.  
 18    (8) Veterinary Medical Board.  
 19    (9) Board of Vocational Nursing and Psychiatric Technicians.  
 20    (10) Respiratory Care Board of California.  
 21    (11) Physical Therapy Board of California.  
 22    (12) Physician Assistant Committee of the Medical Board of  
 23    California.  
 24    (13) Speech-Language Pathology and Audiology and Hearing  
 25    Aid Dispensers Board.  
 26    (14) Medical Board of California.  
 27    (15) State Board of Optometry.  
 28    (16) Acupuncture Board.  
 29    (17) Cemetery and Funeral Bureau.  
 30    (18) Bureau of Security and Investigative Services.  
 31    (19) Division of Investigation.  
 32    (20) Board of Psychology.  
 33    (21) California Board of Occupational Therapy.  
 34    (22) Structural Pest Control Board.  
 35    (23) Contractors' State License Board.

- 1 (24) Naturopathic Medicine Committee.
- 2 (25) Professional Fiduciaries Bureau.
- 3 (26) Board for Professional Engineers, Land Surveyors, and
- 4 Geologists.
- 5 (27) Bureau of Cannabis Control.
- 6 (28) California Board of Podiatric Medicine.
- 7 (29) Osteopathic Medical Board of California.
- 8 (30) *California Architects Board, beginning January 1, 2021.*

9 (c) For purposes of paragraph (26) of subdivision (b), the term  
10 “applicant” shall be limited to an initial applicant who has never  
11 been registered or licensed by the board or to an applicant for a  
12 new licensure or registration category.

13 *SEC. 2. Section 5510 of the Business and Professions Code is*  
14 *amended to read:*

15 5510. There is in the Department of Consumer Affairs a  
16 California Architects Board which consists of 10 members.

17 Any reference in law to the California Board of Architectural  
18 Examiners shall mean the California Architects Board.

19 This section shall remain in effect only until January 1, ~~2020~~,  
20 2024, and as of that date is repealed. Notwithstanding any other  
21 law, the repeal of this section renders the board subject to review  
22 by the appropriate policy committees of the Legislature.

23 *SEC. 3. Section 5517 of the Business and Professions Code is*  
24 *amended to read:*

25 5517. The board may appoint a person exempt from civil  
26 service who shall be designated as an executive officer and who  
27 shall exercise the powers and perform the duties delegated by the  
28 board and vested in ~~him or her~~ *the executive officer* by this chapter.

29 This section shall remain in effect only until January 1, ~~2020~~,  
30 2024, and as of that date is repealed.

31 *SEC. 4. Section 5520 of the Business and Professions Code is*  
32 *amended to read:*

33 5520. The board shall adopt a seal for its own use. The seal  
34 used shall have the words, ~~“State Board of Architectural~~  
35 ~~Examiners”~~ *“California Architects Board”* inscribed thereon.

36 The executive officer shall have the care and custody of the seal.

37 *SEC. 5. Section 5526.5 is added to the Business and Professions*  
38 *Code, to read:*

39 5526.5. (a) *In addition to requesting an administrative hearing*  
40 *as provided for in paragraph (4) of subdivision (b) of Section*

1 125.9, the cited person may request an informal conference to  
2 review the acts shared in the citation. The cited person shall make  
3 the request for an informal conference in writing, within 30 days  
4 of the date of issuance of the citation, to the executive officer.

5 (b) The executive officer or their designee shall hold, within 60  
6 days from the receipt of the request, an informal conference with  
7 the cited person. The executive officer or their designee may extend  
8 the 60-day period for good cause.

9 (c) Following the informal conference, the executive officer or  
10 their designee may affirm, modify, or dismiss the citation, including  
11 any fine that is levied, order of abatement, or order of correction  
12 issued. The executive officer or their designee shall state in writing  
13 the reasons for the action and transmit a copy of those findings to  
14 the cited person within 30 days after the informal conference.

15 (d) If the citation, including any fine that is levied or order of  
16 abatement or correction, is affirmed or modified following the  
17 informal conference, the respondent may make a request in writing  
18 to the executive officer within 30 days of the affirmed or modified  
19 citation, for a formal hearing, which shall be conducted as  
20 provided for in paragraph (4) of subdivision (b) of Section 125.9.

21 (e) A cited person shall not request an informal conference for  
22 a citation which has been affirmed or modified following an  
23 informal conference.

24 SEC. 6. Section 5536 of the Business and Professions Code is  
25 amended to read:

26 5536. (a) It is a misdemeanor, punishable by a fine of not less  
27 than one hundred dollars (\$100) nor more than five thousand  
28 dollars (\$5,000), or by imprisonment in a county jail not exceeding  
29 one year, or by both that fine and imprisonment, for any person  
30 who is not licensed to practice architecture under this chapter to  
31 practice architecture in this state, to use any term confusingly  
32 similar to the word architect, to use the stamp of a licensed  
33 architect, as provided in Section 5536.1, or to advertise or put out  
34 any sign, card, or other device that might indicate to the public  
35 that ~~he or she~~ *the person* is an architect, ~~that he or she~~ is qualified  
36 to engage in the practice of architecture, or ~~that he or she~~ is an  
37 architectural designer.

38 (b) It is a misdemeanor, punishable as specified in subdivision  
39 (a), for any person who is not licensed to practice architecture  
40 under this chapter to affix a stamp or seal that bears the legend

1 “State of California” or words or symbols that represent or imply  
2 that the person is so licensed by the state to prepare plans,  
3 specifications, or instruments of service.

4 ~~(e) It is a misdemeanor, punishable as specified in subdivision~~  
5 ~~(a), for any person to advertise or represent that he or she is a~~  
6 ~~“registered building designer” or is registered or otherwise licensed~~  
7 ~~by the state as a building designer.~~

8 SECTION 1.

9 SEC. 7. Section 5536.22 of the Business and Professions Code  
10 is amended to read:

11 5536.22. (a) An architect shall use a written contract when  
12 contracting to provide professional services to a client pursuant to  
13 this chapter. That written contract shall be executed by the architect  
14 and the client, or the client’s representative, prior to the architect  
15 commencing work, unless the client knowingly states in writing  
16 that work may be commenced before the contract is executed. The  
17 written contract shall include, but not be limited to, all of the  
18 following items:

19 (1) A description of the project for which the client is seeking  
20 services.

21 (2) A description of the services to be provided by the architect  
22 to the client.

23 (3) A description of any basis of compensation applicable to  
24 the contract and the method of payment agreed upon by both  
25 parties.

26 (4) The name, address, and license number of the architect, the  
27 name and address of the client, and the project address.

28 (5) A description of the procedure that the architect and the  
29 client will use to accommodate contract changes, including, but  
30 not limited to, changes in the description of the project, in the  
31 description of the services, or in the description of the  
32 compensation and method of payment.

33 (6) A description of the procedure to be used by either party to  
34 terminate the contract.

35 (7) A statement identifying the ownership and use of instruments  
36 of service prepared by the architect.

37 (8) A statement in at least 12-point type ~~notifying the client that~~  
38 ~~the architect is licensed and regulated by the board. that reads:~~  
39 *“Architects are licensed and regulated by the California Architects*

1 *Board located at 2420 Del Paso Road, Suite 105, Sacramento, CA*  
2 *95834.”*

3 (b) This section shall not apply to any of the following:

4 (1) Professional services rendered by an architect for which the  
5 client will not pay compensation.

6 (2) An arrangement as to the basis for compensation and manner  
7 of providing professional services implied by the fact that the  
8 architect’s services are of the same general kind which the architect  
9 has previously rendered to and received payment from the same  
10 client.

11 (3) If the client knowingly states in writing after full disclosure  
12 of this section that a writing which complies with the requirements  
13 of this section is not required.

14 (4) Professional services rendered by an architect to a  
15 professional engineer registered to practice engineering under  
16 Chapter 7 (commencing with Section 6700), or to a land surveyor  
17 licensed under Chapter 15 (commencing with Section 8700).

18 (5) *Professional services rendered by an architect to a public*  
19 *agency.*

20 *SEC. 8. Section 5552.5 of the Business and Professions Code*  
21 *is amended to read:*

22 5552.5. The board may, by regulation, implement an ~~intern~~  
23 ~~development~~ *architectural experience or internship* program.

24 *SEC. 9. Section 5600.05 of the Business and Professions Code*  
25 *is amended to read:*

26 5600.05. (a) (1) As a condition of license renewal, a licensee  
27 shall ~~have completed coursework regarding disability access~~  
28 ~~requirements pursuant to paragraphs (2) and (3).~~ A licensee shall  
29 ~~certify to the board, as a part of the license renewal process, that~~  
30 ~~he or she has completed the required coursework prior to approval~~  
31 ~~of his or her license renewal and shall, until the conclusion of the~~  
32 ~~license renewal cycle beginning January 1, 2011, provide~~  
33 ~~documentation to the board from the course provider that shall~~  
34 ~~include the course title, subjects covered, name of provider and~~  
35 ~~trainer or educator, date of completion, number of hours completed,~~  
36 ~~and a statement about the trainer’s or educator’s knowledge and~~  
37 ~~experience background. Commencing with the license renewal~~  
38 ~~cycle beginning January 1, 2013, a licensee shall, upon a board~~  
39 ~~audit, provide the documentation from the course provider to the~~  
40 ~~board. A licensee who provides false or misleading information~~



1 as it relates specifically to the requirements of this paragraph shall  
2 be subject to an administrative citation, which may include an  
3 administrative fine pursuant to Section 125.9, or to disciplinary  
4 action by the board. *complete five hours of coursework pursuant*  
5 *to paragraph (2).*

6 ~~(2) (A) For licenses renewed on and after July 1, 2009, and~~  
7 ~~before January 1, 2010, a licensee shall have completed one hour~~  
8 ~~of coursework.~~

9 ~~(B) For licenses renewed on and after January 1, 2010, and~~  
10 ~~before January 1, 2011, a licensee shall have completed two and~~  
11 ~~one-half hours of coursework.~~

12 ~~(C) For licenses renewed on and after January 1, 2011, a licensee~~  
13 ~~shall have completed five hours of coursework within the previous~~  
14 ~~two years.~~

15 ~~(3)~~

16 (2) Coursework regarding disability access requirements shall  
17 include information and practical guidance concerning  
18 requirements imposed by the Americans with Disabilities Act of  
19 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state  
20 laws that govern access to public facilities, and federal and state  
21 regulations adopted pursuant to those laws. Coursework provided  
22 pursuant to this paragraph shall be presented by trainers or  
23 educators with knowledge and expertise in these requirements.  
24 *The board shall promulgate regulations to establish qualifications*  
25 *for courses and course providers by January 1, 2023.*

26 (b) The board may audit the records of a licensee to verify the  
27 completion of the coursework requirements of subdivision (a). A  
28 licensee shall maintain records of completion of the required  
29 ~~coursework, coursework for two years from the date of license~~  
30 ~~renewal, containing the information specified in paragraph (1) of~~  
31 ~~subdivision (a), for two years from the date of license renewal and~~  
32 ~~following information: course title, subjects covered, name of~~  
33 ~~provider and trainer or educator, date of completion, number of~~  
34 ~~hours completed, and a statement about the trainer's or educator's~~  
35 ~~knowledge and experience background. A licensee shall make~~  
36 ~~those records available to the board for auditing upon request. A~~  
37 ~~licensee who provides false or misleading information as it relates~~  
38 ~~specifically to the requirements of this subdivision shall be subject~~  
39 ~~to an administrative citation, which may include an administrative~~

1 *fine pursuant to Section 125.9, or to disciplinary action by the*  
 2 *board.*

3 (c) ~~Until January 1, 2015, the~~ *The board shall audit at least 3*  
 4 *percent of the license renewals received each year to verify the*  
 5 *completion of the continuing education requirements of this*  
 6 *subdivision.*

7 (d) ~~On or before January 1, 2019, the board shall submit a letter~~  
 8 ~~to the Legislature on the disability access continuing education~~  
 9 ~~provisions required under this subdivision, including the level of~~  
 10 ~~licensee compliance with the requirements, any actions taken by~~  
 11 ~~the board for noncompliance with the requirements, the findings~~  
 12 ~~of board audits, and any recommendations of the board for~~  
 13 ~~improving the process.~~

14 (d) *A continuing education provider may submit evidence of*  
 15 *coursework to the board directly.*

16 *SEC. 10. Section 5616 of the Business and Professions Code*  
 17 *is amended to read:*

18 5616. (a) A landscape architect shall use a written contract  
 19 when contracting to provide professional services to a client  
 20 pursuant to this chapter. The written contract shall be executed by  
 21 the landscape architect and the client, or their representatives, prior  
 22 to the landscape architect commencing work, unless the client  
 23 knowingly states in writing that work may be commenced before  
 24 the contract is executed. The written contract shall include, but  
 25 not be limited to, all of the following:

26 (1) *A description of the project for which the client is seeking*  
 27 *services.*

28 ~~(1)~~

29 (2) *A description of the services to be provided by the landscape*  
 30 *architect to the client.*

31 ~~(2)~~

32 (3) *A description of any basis of compensation applicable to*  
 33 *the contract, including the total price that is required to complete*  
 34 *the contract, and the method of payment agreed upon by both*  
 35 *parties.*

36 ~~(3)~~

37 (4) *A notice statement in at least 12-point type that reads:*  
 38 *“Landscape architects are licensed by the State of California.”*  
 39 *Landscape Architects Technical Committee located at 2420 Del*  
 40 *Paso Road, Suite 105, Sacramento, CA 95834.”*

1 ~~(4)~~

2 (5) The name, address, and license number of the landscape  
3 architect and *architect*, the name and address of the ~~client~~: *client*,  
4 *and project address*.

5 ~~(5)~~

6 (6) A description of the procedure that the landscape architect  
7 and client will use to accommodate additional services.

8 ~~(6)~~

9 (7) A description of the procedure to be used by either party to  
10 terminate the contract.

11 (8) *A description of the procedure that the landscape architect*  
12 *and the client will use to accommodate contract changes, including,*  
13 *but not limited to, changes in the description of the project, in the*  
14 *description of the services, or in the description of the*  
15 *compensation, total price, and method of payment.*

16 (9) *A statement identifying the ownership and use of instruments*  
17 *of service prepared by the landscape architect.*

18 ~~(b) This section shall not apply if the client knowingly states in~~  
19 ~~writing after full disclosure of this section that a contract that~~  
20 ~~complies with this section is not required.~~

21 ~~(e)~~

22 (b) This section shall not apply to any of the following:

23 (1) Professional services rendered by a landscape architect for  
24 which the client will not pay compensation.

25 (2) An arrangement as to the basis for compensation and manner  
26 of providing professional services implied by the fact that the  
27 landscape architect's services are of the same general kind that the  
28 landscape architect has previously rendered to, and received  
29 payment for from, the same client.

30 (3) *If the client states in writing after full disclosure of this*  
31 *section that a written contract is not required.*

32 ~~(3)~~

33 (4) Professional services rendered by a landscape architect to  
34 any of the following:

35 (A) A landscape architect licensed under this chapter.

36 (B) An architect licensed under Chapter 3 (commencing with  
37 Section 5500).

38 (C) A professional engineer licensed under Chapter 7  
39 (commencing with Section 6700).

1 (D) A contractor licensed under Chapter 9 (commencing with  
2 Section 7000).

3 (E) A geologist or geophysicist licensed under Chapter 12.5  
4 (commencing with Section 7800).

5 (F) A professional land surveyor licensed under Chapter 15  
6 (commencing with Section 8700).

7 (G) A manufacturing, mining, public utility, research and  
8 development, or other industrial corporation, if the services are  
9 provided in connection with, or incidental to, the products, systems,  
10 or services of that corporation or its affiliates.

11 (H) A public agency.

12 ~~(I)~~

13 (c) As used in this section, “written contract” includes a contract  
14 that is in electronic form.

15 *SEC. 11. Section 5620 of the Business and Professions Code*  
16 *is amended to read:*

17 5620. The duties, powers, purposes, responsibilities, and  
18 jurisdiction of the California State Board of Landscape Architects  
19 that were succeeded to and vested with the Department of  
20 Consumer Affairs in accordance with Chapter 908 of the Statutes  
21 of 1994 are hereby transferred to the California Architects Board.  
22 The Legislature finds that the purpose for the transfer of power is  
23 to promote and enhance the efficiency of state government and  
24 that assumption of the powers and duties by the California  
25 Architects Board shall not be viewed or construed as a precedent  
26 for the establishment of state regulation over a profession or  
27 vocation that was not previously regulated by a board, as defined  
28 in Section 477.

29 (a) There is in the Department of Consumer Affairs a California  
30 Architects Board as defined in Article 2 (commencing with Section  
31 5510) of Chapter 3 of Division 3.

32 Whenever in this chapter “board” is used, it refers to the  
33 California Architects Board.

34 (b) Except as provided herein, the board may delegate its  
35 authority under this chapter to the Landscape Architects Technical  
36 Committee.

37 (c) After review of proposed regulations, the board may direct  
38 the examining committee to notice and conduct hearings to adopt,  
39 amend, or repeal regulations pursuant to Section 5630, provided

1 that the board itself shall take final action to adopt, amend, or  
2 repeal those regulations.

3 (d) The board shall not delegate its authority to discipline a  
4 landscape architect or to take action against a person who has  
5 violated this chapter.

6 (e) This section shall remain in effect only until January 1, ~~2020~~,  
7 2024, and as of that date is repealed.

8 *SEC. 12. Section 5620.2 is added to the Business and*  
9 *Professions Code, to read:*

10 5620.2. (a) *The following powers conferred by law upon the*  
11 *board are hereby delegated to and conferred upon the executive*  
12 *officer, or in their absence from the office, to the acting executive*  
13 *officer, as provided below:*

14 (1) *Receive and file accusations.*

15 (2) *Issue notices of hearings, statements to respondents, and*  
16 *statements of issues.*

17 (3) *Receive and file notices of defense.*

18 (4) *Determine the time and place of hearings under Section*  
19 *11508 of the Government Code.*

20 (5) *Issue subpoenas and subpoenas duces tecum.*

21 (6) *Set calendar cases for hearing and perform other functions*  
22 *necessary to the businesslike dispatch of the board in connection*  
23 *with proceedings under Sections 11500 to 11528, inclusive, of the*  
24 *Government Code, before hearing those proceedings.*

25 (7) *Approve settlement agreements for the revocation or*  
26 *surrender of a license.*

27 (8) *Certification and delivery or mailing of copies of decisions*  
28 *under Section 11518 of the Government Code.*

29 (b) *In addition to the powers described in subdivision (a), the*  
30 *following powers are also delegated to and conferred upon the*  
31 *executive officer, as provided below:*

32 (1) *Evaluate and determine qualifications and approve*  
33 *applicants for examination under Section 5650.*

34 (2) *Determine which applicants for reciprocity licenses are*  
35 *entitled to waiver of the written examination under Section 5651.*

36 *SEC. 13. Section 5621 of the Business and Professions Code*  
37 *is amended to read:*

38 5621. (a) *There is hereby created within the jurisdiction of the*  
39 *board, a Landscape Architects Technical Committee, hereinafter*  
40 *referred to in this chapter as the landscape architects committee.*

1 (b) The landscape architects committee shall consist of five  
 2 members who shall be licensed to practice landscape architecture  
 3 in this state. The Governor shall appoint three of the members.  
 4 The Senate Committee on Rules and the Speaker of the Assembly  
 5 shall appoint one member each.

6 (c) The initial members to be appointed by the Governor are as  
 7 follows: one member for a term of one year; one member for a  
 8 term of two years; and one member for a term of three years. The  
 9 Senate Committee on Rules and the Speaker of the Assembly shall  
 10 initially each appoint one member for a term of four years.  
 11 Thereafter, appointments shall be made for four-year terms,  
 12 expiring on June 1 of the fourth year and until the appointment  
 13 and qualification of ~~his or her~~ *the member's* successor or until one  
 14 year shall have elapsed, whichever first occurs. Vacancies shall  
 15 be filled for the unexpired term.

16 (d) No person shall serve as a member of the landscape  
 17 architects committee for more than two consecutive terms.

18 (e) This section shall remain in effect only until January 1, ~~2020~~,  
 19 2024, and as of that date is repealed.

20 *SEC. 14. Section 5622 of the Business and Professions Code*  
 21 *is amended to read:*

22 5622. (a) The landscape architects committee may assist the  
 23 board in the examination of candidates for a landscape architect's  
 24 license and, after investigation, evaluate and make  
 25 recommendations regarding potential violations of this chapter.

26 (b) The landscape architects committee may investigate, assist,  
 27 and make recommendations to the board regarding the regulation  
 28 of landscape architects in this state.

29 (c) The landscape architects committee may perform duties and  
 30 functions that have been delegated to it by the board pursuant to  
 31 Section 5620.

32 (d) The landscape architects committee may send a  
 33 representative to all meetings of the full board to report on the  
 34 committee's activities.

35 (e) This section shall remain in effect only until January 1, ~~2020~~,  
 36 2024, and as of that date is repealed.

## Agenda Item H

### **DISCUSS AND POSSIBLE ACTION ON THE CALIFORNIA DEPARTMENT OF WATER RESOURCES, MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELo)**

At the Landscape Architects Technical Committee (LATC) meeting on December 6, 2018, the Committee suggested to continue discussion of the proposed MWELo revisions. Staff followed up with the Department of Water Resources (DWR) which has no proposed amendments at this time.

At the California Water Commission meeting on March 20, 2019, the DWR's Water Use and Efficiency (WUE) Branch presented findings (Attachment I.2) that revisions to MWELo would not be useful or effective at this time. The WUE found that the current standards are efficient; there are not significant revisions to the State Ordinance to justify requiring local agencies to revise their ordinances; and there is a need to address current MWELo implementation issues prior to any revisions. The DWR anticipates an update to MWELo in 2023. In the meantime, the WUE will continue to document stakeholders recommendations; develop a guidebook to assist city planners on implementing MWELo; and conduct studies to measure implementation and to identify obstacles.

At this meeting, the LATC is presented with the DWR findings regarding MWELo. Staff will continue to monitor anticipated revisions to MWELo for future discussion.

#### Attachments:

1. Title 23 Chapter 2.7 Model Water Efficient Landscape Ordinance
2. DWR Findings Regarding Update on MWELo

entering into the loan contract. For investor–owned utilities, meetings or hearings held by the Public Utilities Commission may serve as Project Feasibility Meetings.

(b) Before a Project Feasibility Meeting, the supplier shall:

(1) Make available information describing the project in a form and location that will enable the water users to review it and to make appropriate comments. The information must be made available for a period of at least fifteen days before the Project Feasibility Meeting.

(2) Establish a date for the meeting agreeable to the Department and Department of Health Services.

(3) Notify the Department, the Department of Health Services and appropriate county health agencies in writing at least twenty calendar days before the meeting, and notify all water users and the local news media in writing at least fifteen calendar days before the meeting. The notice shall state: the date, time, location, and purpose of the meeting and the location of information describing the project for review by the water users. Sample notice forms will be provided by the Department.

(4) Obtain a meeting place of sufficient size and at a convenient location to accommodate the anticipated attendance.

(c) The agenda of the meeting shall include the following matters: (1) A discussion of applicable public health and water works standards, existing and potential health hazards associated with the water system, how the proposed project will bring the system to minimum health standards, and alternative solutions to the problem. (2) The supplier shall describe the proposed project in detail, using maps, charts, and other illustrative devices, if appropriate. The discussion shall include the costs, sources of funds, the amount of the loan–grant commitment, and changes in water costs resulting from the project.

(3) A representative of the State may describe the Act, the State’s role in its administration and the Department’s recommendation regarding the supplier’s loan application. Persons present at the meeting shall be permitted to ask questions regarding all subjects discussed at the meeting.

(d) If no representative of the Department is present at the meeting, the supplier shall submit an official written report to the Department describing the meeting and its outcome including the results of any vote taken. NOTE: Authority cited: Section 13834, Water Code. Reference: Section 13834, Water Code.

#### § 489.1. Plans and Specifications.

Before commencing construction, each Supplier shall provide detailed plans and specifications to the Department of Health Services for review and approval by a registered Civil Engineer employed by the Department of Health Services. Unless otherwise authorized in writing by the Department of Health Services, the supplier shall not commence construction without written notification from the Department of Health Services that the plans and specifications have been approved.

NOTE: Authority cited: Section 13834, Water Code. Reference: Section 13837, Water Code.

#### § 489.2. Certification of Completion.

Department of Health Services shall inspect the completed project and if satisfied that the project has been completed in accordance with approved plans and specifications, shall provide the supplier and the Department with written certification to that effect.

NOTE: Authority cited: Section 13834, Water Code. Reference: Section 13834, Water Code.

## Chapter 2.6. Weather Resources Management [Repealed]

NOTE: Authority cited: Sections 161, 401, 403 and 6078, Water Code. Reference: Sections 401, 402 and 403, Water Code and Sections 21000 et seq., Public Resources Code.

#### HISTORY

1. New Subchapter 2.6 (Articles 1–5, Sections 490–495.03, not consecutive) filed 9–28–79; effective thirtieth day thereafter (Register 79, No. 39).
2. Repealer of Subchapter 2.6 (Articles 1–5, Sections 490–495.03, not consecutive, not previously repealed by OAL Order of Repeal) filed 6–5–86; effective

thirtieth day thereafter (Register 86, No. 23). For prior history, see Register 85, No. 26; 81, Nos. 40 and 38; and 80, No. 7.

## Chapter 2.7. Model Water Efficient Landscape Ordinance

#### § 490. Purpose.

(a) The State Legislature has found:

(1) that the waters of the state are of limited supply and are subject to ever increasing demands;

(2) that the continuation of California’s economic prosperity is dependent on the availability of adequate supplies of water for future uses;

(3) that it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

(4) that landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;

(5) that landscape design, installation, maintenance and management can and should be water efficient;

(6) that Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

(b) Consistent with the legislative findings, the purpose of this model ordinance is to:

(1) promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;

(2) establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires cross–sector collaboration of industry, government and property owners to achieve the many benefits possible;

(3) establish provisions for water management practices and water waste prevention for existing landscapes;

(4) use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount;

(5) promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;

(6) encourage local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered–rate structure; and

(7) encourage local agencies to designate the necessary authority that implements and enforces the provisions of the Model Water Efficient Landscape Ordinance or its local landscape ordinance.

(c) Landscapes that are planned, designed, installed, managed and maintained with the watershed based approach can improve California’s environmental conditions and provide benefits and realize sustainability goals. Such landscapes will make the urban environment resilient in the face of climatic extremes. Consistent with the legislative findings and purpose of the Ordinance, conditions in the urban setting will be improved by:

(1) Creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat and esthetic benefits.

(2) Minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas.

(3) Conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment.

(4) Protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materi-



als, and using compost, mulch and efficient irrigation equipment to prevent erosion.

(5) Protecting existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants. Utilizing integrated pest management with least toxic methods as the first course of action.

NOTE: Authority cited: Section 65593, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 65591, 65593 and 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New chapter 2.7 (sections 490-495) filed 7-31-92; operative 7-31-92 (Register 92, No. 32).
2. Amendment of section and NOTE filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
3. Amendment of subsections (a)(4) and (b)(1)-(2), new subsections (c)-(c)(5) and amendment of NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

#### § 490.1. Applicability.

(a) After December 1, 2015, and consistent with Executive Order No. B-29-15, this ordinance shall apply to all of the following landscape projects:

(1) new construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review;

(2) rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;

(3) existing landscapes limited to Sections 493, 493.1 and 493.2; and

(4) cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11, and 492.12; and existing cemeteries are limited to Sections 493, 493.1, and 493.2.

(b) For local land use agencies working together to develop a regional water efficient landscape ordinance, the reporting requirements of this ordinance shall become effective December 1, 2015 and the remainder of this ordinance shall be effective no later than February 1, 2016.

(c) Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in Appendix D.

(d) For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2500 sq. ft. of landscape and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Appendix D section (5).

(e) This ordinance does not apply to:

- (1) registered local, state or federal historical sites;
- (2) ecological restoration projects that do not require a permanent irrigation system;
- (3) mined-land reclamation projects that do not require a permanent irrigation system; or
- (4) existing plant collections, as part of botanical gardens and arboreta open to the public.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Amendment of section and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

#### § 491. Definitions.

The terms used in this ordinance have the meaning set forth below:

(a) "applied water" means the portion of water supplied by the irrigation system to the landscape.

(b) "automatic irrigation controller" means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

(c) "backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

(d) "Certificate of Completion" means the document required under Section 492.9.

(e) "certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.

(f) "certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

(g) "check valve" or "anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

(h) "common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

(i) "compost" means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

(j) "conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year.

(k) "distribution uniformity" means the measure of the uniformity of irrigation water over a defined area.

(l) "drip irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

(m) "ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

(n) "effective precipitation" or "usable rainfall" (Eppt) means the portion of total precipitation which becomes available for plant growth.

(o) "emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.

(p) "established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

(q) "establishment period of the plants" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

(r) "Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in Section 492.4.

(s) "ET adjustment factor" (ETAF) means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

(t) “evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

(u) “flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

(v) “flow sensor” means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

(w) “friable” means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

(x) “Fuel Modification Plan Guideline” means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

(y) “graywater” means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. “Graywater” includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.

(z) “hardscapes” means any durable material (pervious and non-pervious).

(aa) “hydrozone” means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

(bb) “infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

(cc) “invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

(dd) “irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency “Watersense” labeled auditing program.

(ee) “irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems.

(ff) “irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

(gg) “irrigation water use analysis” means an analysis of water use data based on meter readings and billing data.

(hh) “landscape architect” means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

(ii) “landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Wa-

ter Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

(jj) “landscape contractor” means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

(kk) “Landscape Documentation Package” means the documents required under Section 492.3.

(ll) “landscape project” means total area of landscape in a project as defined in “landscape area” for the purposes of this ordinance, meeting requirements under Section 490.1.

(mm) “landscape water meter” means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

(nn) “lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

(oo) “local agency” means a city or county, including a charter city or charter county, that is responsible for adopting and implementing the ordinance. The local agency is also responsible for the enforcement of this ordinance, including but not limited to, approval of a permit and plan check or design review of a project.

(pp) “local water purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service.

(qq) “low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

(rr) “main line” means the pressurized pipeline that delivers water from the water source to the valve or outlet.

(ss) “master shut-off valve” is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

(tt) “Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 492.4. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.  $MAWA = (ET_o) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$

(uu) “median” is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

(vv) “microclimate” means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

(ww) “mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

(xx) “mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

(yy) “new construction” means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

(zz) “non-residential landscape” means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

(aaa) “operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

(bbb) “overhead sprinkler irrigation systems” or “overhead spray irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).

(ccc) “overspray” means the irrigation water which is delivered beyond the target area.

(ddd) “parkway” means the area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.

(eee) “permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

(fff) “pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.

(ggg) “plant factor” or “plant water use factor” is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the publication “Water Use Classification of Landscape Species”. Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

(hhh) “project applicant” means the individual or entity submitting a Landscape Documentation Package required under Section 492.3, to request a permit, plan check, or design review from the local agency. A project applicant may be the property owner or his or her designee.

(iii) “rain sensor” or “rain sensing shutoff device” means a component which automatically suspends an irrigation event when it rains.

(jjj) “record drawing” or “as-builts” means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

(kkk) “recreational area” means areas, excluding private single family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.

(lll) “recycled water,” “reclaimed water,” or “treated sewage effluent water” means treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation and water features. This water is not intended for human consumption.

(mmm) “reference evapotranspiration” or “ETo” means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in Appendix A, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances so that regional differences in climate can be accommodated.

(nnn) “Regional Water Efficient Landscape Ordinance” means a local Ordinance adopted by two or more local agencies, water suppliers and other stakeholders for implementing a consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.

(ooo) “rehabilitated landscape” means any relandscaping project that requires a permit, plan check, or design review, meets the requirements of Section 490.1, and the modified landscape area is equal to or greater than 2,500 square feet.

(ppp) “residential landscape” means landscapes surrounding single or multifamily homes.

(qqq) “run off” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

(rrr) “soil moisture sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

(sss) “soil texture” means the classification of soil based on its percentage of sand, silt, and clay.

(ttt) “Special Landscape Area” (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

(uuu) “sprinkler head” or “spray head” means a device which delivers water through a nozzle.

(vvv) “static water pressure” means the pipeline or municipal water supply pressure when water is not flowing.

(www) “station” means an area served by one valve or by a set of valves that operate simultaneously.

(xxx) “swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

(yyy) “submeter” means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.

(zzz) “turf” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

(aaaa) “valve” means a device used to control the flow of water in the irrigation system.

(bbbb) “water conserving plant species” means a plant species identified as having a very low or low plant factor.

(cccc) “water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

(dddd) “watering window” means the time of day irrigation is allowed.

(eeee) “WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources 2014.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor’s Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 65592 and 65596, Government Code; and section 11, Governor’s Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New section filed 7-31-92; operative 7-31-92 (Register 92, No. 32).
2. Amendment of section and NOTE filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
3. Amendment of section and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor’s Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

### § 492. Provisions for New Construction or Rehabilitated Landscapes.

(a) A local agency may designate by mutual agreement, another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity’s specific responsibilities relating to this ordinance.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor’s Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596,



Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

HISTORY

1. New section filed 7-31-92; operative 7-31-92 (Register 92, No. 32).
2. Amendment of section heading, repealer and new section and amendment of NOTE filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
3. Amendment of section and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

**§ 492.1. Compliance with Landscape Documentation Package.**

- (a) Prior to construction, the local agency shall:
- (1) provide the project applicant with the ordinance and procedures for permits, plan checks or design reviews;
  - (2) review the Landscape Documentation Package submitted by the project applicant;
  - (3) approve or deny the Landscape Documentation Package;
  - (4) issue a permit or approve the plan check or design review for the project applicant; and
  - (5) upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.
- (b) Prior to construction, the project applicant shall:
- (1) submit a Landscape Documentation Package to the local agency.
  - (c) Upon approval of the Landscape Documentation Package by the local agency, the project applicant shall:
    - (1) receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;
    - (2) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and
    - (3) submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

NOTE: Authority cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).

**§ 492.2. Penalties.**

- (a) A local agency may establish and administer penalties to the project applicant for non-compliance with the ordinance to the extent permitted by law.

NOTE: Authority cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).

**§ 492.3. Elements of the Landscape Documentation Package.**

- (a) The Landscape Documentation Package shall include the following six (6) elements:
- (1) project information;
    - (A) date
    - (B) project applicant
    - (C) project address (if available, parcel and/or lot number(s))
    - (D) total landscape area (square feet)
    - (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
    - (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
    - (G) checklist of all documents in Landscape Documentation Package
    - (H) project contacts to include contact information for the project applicant and property owner
    - (I) applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".

- (2) Water Efficient Landscape Worksheet;
  - (A) hydrozone information table
  - (B) water budget calculations
    1. Maximum Applied Water Allowance (MAWA)
    2. Estimated Total Water Use (ETWU)
  - (3) soil management report;
  - (4) landscape design plan;
  - (5) irrigation design plan; and
  - (6) grading design plan.

NOTE: Authority cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).

**§ 492.4. Water Efficient Landscape Worksheet.**

(a) A project applicant shall complete the Water Efficient Landscape Worksheet in Appendix B which contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas. The ETAF for a landscape project is based on the plant factors and irrigation methods selected. The Maximum Applied Water Allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for non-residential areas) and expressed as annual gallons required. The Estimated Total Water Use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.

(1) In calculating the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.

(b) Water budget calculations shall adhere to the following requirements:

(1) The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.

(2) All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.

(3) All Special Landscape Areas shall be identified and their water use calculated as shown in Appendix B.

(4) ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Amendment of section and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

**§ 492.5. Soil Management Report.**

(a) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

- (1) Submit soil samples to a laboratory for analysis and recommendations.

(A) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

(B) The soil analysis shall include:

1. soil texture;
2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
3. pH;
4. total soluble salts;
5. sodium;
6. percent organic matter; and
7. recommendations.

(C) In projects with multiple landscape installations (i.e. production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.

(2) The project applicant, or his/her designee, shall comply with one of the following:

(A) If significant mass grading is not planned, the soil analysis report shall be submitted to the local agency as part of the Landscape Documentation Package; or

(B) If significant mass grading is planned, the soil analysis report shall be submitted to the local agency as part of the Certificate of Completion.

(3) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

(4) The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the local agency with Certificate of Completion.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Amendment of subsection (a)(1)(B), new subsection (a)(1)(C) and amendment of NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

#### § 492.6. Landscape Design Plan.

(a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) Plant Material

(A) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. Methods to achieve water efficiency shall include one or more of the following:

1. protection and preservation of native species and natural vegetation;
2. selection of water-conserving plant, tree and turf species, especially local native plants;
3. selection of plants based on local climate suitability, disease and pest resistance;
4. selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area; and
5. selection of plants from local and regional landscape program plant lists.
6. selection of plants from local Fuel Modification Plan Guidelines.

(B) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 492.7(a)(2)(D).

(C) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the

project site. Methods to achieve water efficiency shall include one or more of the following:

1. use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

2. recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; allow for adequate soil volume for healthy root growth; and

3. consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

(D) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

(E) High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

(F) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches. Refer to the local Fuel Modification Plan guidelines.

(G) The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.

(H) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(2) Water Features

(A) Recirculating water systems shall be used for water features.

(B) Where available, recycled water shall be used as a source for decorative water features.

(C) Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

(D) Pool and spa covers are highly recommended.

(3) Soil Preparation, Mulch and Amendments

(A) Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

(B) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 492.5).

(C) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top 6 inches of soil are exempt from adding compost and tilling.

(D) A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to 5 % of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

(E) Stabilizing mulching products shall be used on slopes that meet current engineering standards.

(F) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

(G) Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

(b) The landscape design plan, at a minimum, shall:

(1) delineate and label each hydrozone by number, letter, or other method;

(2) identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;

(3) identify recreational areas;

(4) identify areas permanently and solely dedicated to edible plants;

(5) identify areas irrigated with recycled water;

(6) identify type of mulch and application depth;

(7) identify soil amendments, type, and quantity;

(8) identify type and surface area of water features;

(9) identify hardscapes (pervious and non-pervious);

(10) identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the local agency or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples are provided in Section 492.16.

(11) identify any applicable rain harvesting or catchment technologies as discussed in Section 492.16 and their 24-hour retention or infiltration capacity;

(12) identify any applicable graywater discharge piping, system components and area(s) of distribution;

(13) contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and

(14) bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; Section 1351, Civil Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).

2. Amendment of section and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

### § 492.7. Irrigation Design Plan.

(a) This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) System

(A) Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 sq. ft. but not more than 5,000 sq. ft. (the level at which Water Code 535 applies) and residential irrigated landscapes of 5,000 sq. ft. or greater. A landscape water meter may be either:

1. a customer service meter dedicated to landscape use provided by the local water purveyor; or

2. a privately owned meter or submeter.

(B) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.

(C) If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regu-

lating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

(D) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

(E) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

(F) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.

(G) Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on non-residential landscapes and residential landscapes of 5000 sq. ft. or larger.

(H) Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

(I) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

(J) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

(K) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

(L) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 492.4 regarding the Maximum Applied Water Allowance.

(M) All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard, All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

(N) It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

(O) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

(P) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

(Q) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

(R) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.



(S) Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.

(T) Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

(U) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
3. the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 492.7 (a)(1)(I). Prevention of overspray and runoff must be confirmed during the irrigation audit.

(V) Slopes greater than 25% shall not be irrigated with an irrigation system with a application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(2) Hydrozone

(A) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

(B) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

(C) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

(D) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

1. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
2. the plant factor of the higher water using plant is used for calculations.

(E) Individual hydrozones that mix high and low water use plants shall not be permitted.

(F) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.

(b) The irrigation design plan, at a minimum, shall contain:

- (1) location and size of separate water meters for landscape;
- (2) location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
- (3) static water pressure at the point of connection to the public water supply;
- (4) flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
- (5) recycled water irrigation systems as specified in Section 492.14;
- (6) the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
- (7) the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized

to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Amendment of section and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

§ 492.8. Grading Design Plan.

(a) For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

(1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

- (A) height of graded slopes;
- (B) drainage patterns;
- (C) pad elevations;
- (D) finish grade; and
- (E) stormwater retention improvements, if applicable.

(2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:

- (A) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
- (B) avoid disruption of natural drainage patterns and undisturbed soil; and
- (C) avoid soil compaction in landscape areas.

(3) The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

NOTE: Authority cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).

§ 492.9. Certificate of Completion.

(a) The Certificate of Completion (see Appendix C for a sample certificate) shall include the following six (6) elements:

- (1) project information sheet that contains:
  - (A) date;
  - (B) project name;
  - (C) project applicant name, telephone, and mailing address;
  - (D) project address and location; and
  - (E) property owner name, telephone, and mailing address;
- (2) certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;
  - (A) where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;
  - (B) A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.
- (3) irrigation scheduling parameters used to set the controller (see Section 492.10);
- (4) landscape and irrigation maintenance schedule (see Section 492.11);
- (5) irrigation audit report (see Section 492.12); and

(6) soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 492.5).

(b) The project applicant shall:

(1) submit the signed Certificate of Completion to the local agency for review;

(2) ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his or her designee.

(c) The local agency shall:

(1) receive the signed Certificate of Completion from the project applicant;

(2) approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the local agency shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. New subsection (a)(2)(B) and amendment of NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

### § 492.10. Irrigation Scheduling.

(a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

(1) Irrigation scheduling shall be regulated by automatic irrigation controllers.

(2) Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

(3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

(4) Parameters used to set the automatic controller shall be developed and submitted for each of the following:

- (A) the plant establishment period;
- (B) the established landscape; and
- (C) temporarily irrigated areas.

(5) Each irrigation schedule shall consider for each station all of the following that apply:

- (A) irrigation interval (days between irrigation);
- (B) irrigation run times (hours or minutes per irrigation event to avoid runoff);
- (C) number of cycle starts required for each irrigation event to avoid runoff;
- (D) amount of applied water scheduled to be applied on a monthly basis;
- (E) application rate setting;
- (F) root depth setting;
- (G) plant type setting;
- (H) soil type;
- (I) slope factor setting;
- (J) shade factor setting; and
- (K) irrigation uniformity or efficiency setting.

NOTE: Authority cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

#### HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).

### § 492.11. Landscape and Irrigation Maintenance Schedule.

(a) Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.

(b) A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

(c) Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.

(d) A project applicant is encouraged to implement established landscape industry sustainable Best Practices for all landscape maintenance activities.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Amendment of section and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

### § 492.12. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

(a) All landscape irrigation audits shall be conducted by a local agency landscape irrigation auditor or a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

(b) In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of 1 in 7 lots or approximately 15% will satisfy this requirement.

(c) For new construction and rehabilitated landscape projects installed after December 1, 2015, as described in Section 490.1:

(1) the project applicant shall submit an irrigation audit report with the Certificate of Completion to the local agency that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming;

(2) the local agency shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Amendment of section and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

### § 492.13. Irrigation Efficiency.

(a) For the purpose of determining Estimated Total Water Use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596,



Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Amendment of section and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

### § 492.14. Recycled Water.

(a) The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.

(b) All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.

(c) Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Amendment of section and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

### § 492.15. Graywater Systems.

(a) Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards. Refer to § 490.1 (d) for the applicability of this ordinance to landscape areas less than 2,500 square feet with the Estimated Total Water Use met entirely by graywater.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Renumbering of former section 492.15 to 492.16, new section 492.15 and amendment of NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

### § 492.16. Stormwater Management and Rainwater Retention.

(a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.

(b) Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater technical requirements.

(c) All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to § 492.6(a)(3).

(d) It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: the one inch, 24-hour rain event or (2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.

(e) It is recommended that storm water projects incorporate any of the following elements to improve on-site storm water and dry weather runoff capture and use:

- Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.

- Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.
- Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.
- Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
- Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
- Incorporate infiltration beds, swales, basins and drywells to capture storm water and dry weather runoff and increase percolation into the soil.
- Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Renumbering of former section 492.16 to section 492.17 and renumbering of former section 492.15 to new section 492.16, including amendment of section heading, section and NOTE, filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

### § 492.17. Public Education.

(a) Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

(1) A local agency or water supplier/purveyor shall provide information to owners of permitted renovations and new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a water budget.

(b) Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.

(1) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per the local ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.

(2) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Renumbering of former section 492.17 to new section 492.18 and renumbering of former section 492.16 to new section 492.17, including amendment of section and NOTE, filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

### § 492.18. Environmental Review.

(a) The local agency must comply with the California Environmental Quality Act (CEQA), as appropriate.

NOTE: Authority cited: Section 21082, Public Resources Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 21080 and 21082, Public Resources Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

#### HISTORY

1. Renumbering of former section 492.17 to new section 492.18, including amendment of NOTE, filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

**§ 493. Provisions for Existing Landscapes.**

(a) A local agency may by mutual agreement, designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

**HISTORY**

1. New section filed 7-31-92; operative 7-31-92 (Register 92, No. 32).
2. Repealer and new section and amendment of NOTE filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
3. Amendment of section and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

**§ 493.1. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.**

(a) This section, 493.1, shall apply to all existing landscapes that were installed before December 1, 2015 and are over one acre in size.

(1) For all landscapes in 493.1 (a) that have a water meter, the local agency shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as:  $MAWA = (0.8)(ET_o)(LA)$  (0.62).

(2) For all landscapes in 493.1(a), that do not have a meter, the local agency shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

(b) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

**HISTORY**

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Amendment of subsection (a) and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

**§ 493.2. Water Waste Prevention.**

(a) Local agencies shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.

(b) Restrictions regarding overspray and runoff may be modified if:

(1) the landscape area is adjacent to permeable surfacing and no runoff occurs; or

(2) the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

NOTE: Authority cited: Section 65594, Government Code. Reference: Section 65596, Government Code.

**HISTORY**

1. New section filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).

**§ 494. Effective Precipitation.**

(a) A local agency may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance:

$MAWA = (ET_o - Eppt)(0.62) [(0.55 \times LA) + (0.45 \times SLA)]$  for residential areas.

$MAWA = (ET_o - EPPT)(0.62) [(0.45 \times LA) + (0.55 \times SLA)]$  for non-residential areas.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

**HISTORY**

1. Repealer and new section; new NOTE and new Appendices A-C filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).
2. Amendment of section and NOTE filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

**§ 495. Reporting.**

(a) Local agencies shall report on implementation and enforcement by December 31, 2015. Local agencies responsible for administering individual ordinances shall report on their updated ordinance, while those agencies developing a regional ordinance shall report on their existing ordinance. Those agencies crafting a regional ordinance shall also report on their new ordinance by March 1, 2016. Subsequently, reporting for all agencies will be due by January 31st of each year. Reports shall be submitted to the Department of Water Resources.

(b) Local agencies are to address the following:

(1) State whether you are adopting a single agency ordinance or a regional agency alliance ordinance, and the date of adoption or anticipated date of adoption.

(2) Define the reporting period. The reporting period shall commence on December 1, 2015 and the end on December 28, 2015. For local agencies crafting regional ordinances with other agencies, there shall be an additional reporting period commencing on February 1, 2016 and ending on February 28, 2016. In subsequent years, all local agency reporting will be for the calendar year.

(3) State if using a locally modified Water Efficient Landscape Ordinance (WELO) or the MWELo. If using a locally modified WELO, how is it different than MWELo, is it at least as efficient as MWELo, and are there any exemptions specified?

(4) State the entity responsible for implementing the ordinance.

(5) State number and types of projects subject to the ordinance during the specified reporting period.

(6) State the total area (in square feet or acres) subject to the ordinance over the reporting period, if available.

(7) Provide the number of new housing starts, new commercial projects, and landscape retrofits during the reporting period.

(8) Describe the procedure for review of projects subject to the ordinance.

(9) Describe actions taken to verify compliance. Is a plan check performed; if so, by what entity? Is a site inspection performed; if so, by what entity? Is a post-installation audit required; if so, by whom?

(10) Describe enforcement measures.

(11) Explain challenges to implementing and enforcing the ordinance.

(12) Describe educational and other needs to properly apply the ordinance.

NOTE: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

**HISTORY**

1. New section filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38). For prior history, see Register 2009, No. 37.

Appendix A. Reference Evapotranspiration (ET<sub>o</sub>) Table

Appendix A - Reference Evapotranspiration (ET <sub>o</sub> ) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ET <sub>o</sub>
<b>ALAMEDA</b>													
Fremont	1.5	1.9	3.4	4.7	5.4	6.3	6.7	6.0	4.5	3.4	1.8	1.5	47.0
Livermore	1.2	1.5	2.9	4.4	5.9	6.6	7.4	6.4	5.3	3.2	1.5	0.9	47.2
Oakland	1.5	1.5	2.8	3.9	5.1	5.3	6.0	5.5	4.8	3.1	1.4	0.9	41.8
Oakland Foothills	1.1	1.4	2.7	3.7	5.1	6.4	5.8	4.9	3.6	2.6	1.4	1.0	39.6
Pleasanton	0.8	1.5	2.9	4.4	5.6	6.7	7.4	6.4	4.7	3.3	1.5	1.0	46.2
Union City	1.4	1.8	3.1	4.2	5.4	5.9	6.4	5.7	4.4	3.1	1.5	1.2	44.2
<b>ALPINE</b>													
Markleeville	0.7	0.9	2.0	3.5	5.0	6.1	7.3	6.4	4.4	2.6	1.2	0.5	40.6
<b>AMADOR</b>													
Jackson	1.2	1.5	2.8	4.4	6.0	7.2	7.9	7.2	5.3	3.2	1.4	0.9	48.9
Shanandoah Valley	1.0	1.7	2.9	4.4	5.6	6.8	7.9	7.1	5.2	3.6	1.7	1.0	48.8
<b>BUTTE</b>													
Chico	1.2	1.8	2.9	4.7	6.1	7.4	8.5	7.3	5.4	3.7	1.7	1.0	51.7
Durham	1.1	1.8	3.2	5.0	6.5	7.4	7.8	6.9	5.3	3.6	1.7	1.0	51.1
Gridley	1.2	1.8	3.0	4.7	6.1	7.7	8.5	7.1	5.4	3.7	1.7	1.0	51.9
Oroville	1.2	1.7	2.8	4.7	6.1	7.6	8.5	7.3	5.3	3.7	1.7	1.0	51.5
<b>CALAVERAS</b>													
San Andreas	1.2	1.5	2.8	4.4	6.0	7.3	7.9	7.0	5.3	3.2	1.4	0.7	48.8
<b>COLUSA</b>													
Colusa	1.0	1.7	3.4	5.0	6.4	7.6	8.3	7.2	5.4	3.8	1.8	1.1	52.8
Williams	1.2	1.7	2.9	4.5	6.1	7.2	8.5	7.3	5.3	3.4	1.6	1.0	50.8
<b>CONTRA COSTA</b>													
Brentwood	1.0	1.5	2.9	4.5	6.1	7.1	7.9	6.7	5.2	3.2	1.4	0.7	48.3
Concord	1.1	1.4	2.4	4.0	5.5	5.9	7.0	6.0	4.8	3.2	1.3	0.7	43.4
Courtland	0.9	1.5	2.9	4.4	6.1	6.9	7.9	6.7	5.3	3.2	1.4	0.7	48.0
Martinez	1.2	1.4	2.4	3.9	5.3	5.6	6.7	5.6	4.7	3.1	1.2	0.7	41.8
Moraga	1.2	1.5	3.4	4.2	5.5	6.1	6.7	5.9	4.6	3.2	1.6	1.0	44.9
Pittsburg	1.0	1.5	2.8	4.1	5.6	6.4	7.4	6.4	5.0	3.2	1.3	0.7	45.4
Walnut Creek	0.8	1.5	2.9	4.4	5.6	6.7	7.4	6.4	4.7	3.3	1.5	1.0	46.2
<b>DEL NORTE</b>													
Crescent City	0.5	0.9	2.0	3.0	3.7	3.5	4.3	3.7	3.0	2.0	0.9	0.5	27.7
<b>EL DORADO</b>													
Camino	0.9	1.7	2.5	3.9	5.9	7.2	7.8	6.8	5.1	3.1	1.5	0.9	47.3
<b>FRESNO</b>													
Clovis	1.0	1.5	3.2	4.8	6.4	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.4
Coalinga	1.2	1.7	3.1	4.6	6.2	7.2	8.5	7.3	5.3	3.4	1.6	0.7	50.9
Firebaugh	1.0	1.8	3.7	5.7	7.3	8.1	8.2	7.2	5.5	3.9	2.0	1.1	55.4
FivePoints	1.3	2.0	4.0	6.1	7.7	8.5	8.7	8.0	6.2	4.5	2.4	1.2	60.4
Fresno	0.9	1.7	3.3	4.8	6.7	7.8	8.4	7.1	5.2	3.2	1.4	0.6	51.1
Fresno State	0.9	1.6	3.2	5.2	7.0	8.0	8.7	7.6	5.4	3.6	1.7	0.9	53.7
Friant	1.2	1.5	3.1	4.7	6.4	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.3
Kerman	0.9	1.5	3.2	4.8	6.6	7.7	8.4	7.2	5.3	3.4	1.4	0.7	51.2
Kingsburg	1.0	1.5	3.4	4.8	6.6	7.7	8.4	7.2	5.3	3.4	1.4	0.7	51.6
Mendota	1.5	2.5	4.6	6.2	7.9	8.6	8.8	7.5	5.9	4.5	2.4	1.5	61.7
Orange Cove	1.2	1.9	3.5	4.7	7.4	8.5	8.9	7.9	5.9	3.7	1.8	1.2	56.7
Panoche	1.1	2.0	4.0	5.6	7.8	8.5	8.3	7.3	5.6	3.9	1.8	1.2	57.2
Parlier	1.0	1.9	3.6	5.2	6.8	7.6	8.1	7.0	5.1	3.4	1.7	0.9	52.0

<b>Appendix A - Reference Evapotranspiration (ET<sub>o</sub>) Table*</b>													
<b>County and City</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Annual ET<sub>o</sub></b>
<b>FRESNO</b>													
Reedley	1.1	1.5	3.2	4.7	6.4	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.3
Westlands	0.9	1.7	3.8	6.3	8.0	8.6	8.6	7.8	5.9	4.3	2.1	1.1	58.8
<b>GLENN</b>													
Orland	1.1	1.8	3.4	5.0	6.4	7.5	7.9	6.7	5.3	3.9	1.8	1.4	52.1
Willows	1.2	1.7	2.9	4.7	6.1	7.2	8.5	7.3	5.3	3.6	1.7	1.0	51.3
<b>HUMBOLDT</b>													
Eureka	0.5	1.1	2.0	3.0	3.7	3.7	3.7	3.7	3.0	2.0	0.9	0.5	27.5
Ferndale	0.5	1.1	2.0	3.0	3.7	3.7	3.7	3.7	3.0	2.0	0.9	0.5	27.5
Garberville	0.6	1.2	2.2	3.1	4.5	5.0	5.5	4.9	3.8	2.4	1.0	0.7	34.9
Hoopa	0.5	1.1	2.1	3.0	4.4	5.4	6.1	5.1	3.8	2.4	0.9	0.7	35.6
<b>IMPERIAL</b>													
Brawley	2.8	3.8	5.9	8.0	10.4	11.5	11.7	10.0	8.4	6.2	3.5	2.1	84.2
Calipatria/Mulberry	2.4	3.2	5.1	6.8	8.6	9.2	9.2	8.6	7.0	5.2	3.1	2.3	70.7
El Centro	2.7	3.5	5.6	7.9	10.1	11.1	11.6	9.5	8.3	6.1	3.3	2.0	81.7
Holtville	2.8	3.8	5.9	7.9	10.4	11.6	12.0	10.0	8.6	6.2	3.5	2.1	84.7
Meloland	2.5	3.2	5.5	7.5	8.9	9.2	9.0	8.5	6.8	5.3	3.1	2.2	71.6
Palo Verde II	2.5	3.3	5.7	6.9	8.5	8.9	8.6	7.9	6.2	4.5	2.9	2.3	68.2
Seeley	2.7	3.5	5.9	7.7	9.7	10.1	9.3	8.3	6.9	5.5	3.4	2.2	75.4
Westmoreland	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Yuma	2.5	3.4	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.6
<b>INYO</b>													
Bishop	1.7	2.7	4.8	6.7	8.2	10.9	7.4	9.6	7.4	4.8	2.5	1.6	68.3
Death Valley Jct	2.2	3.3	5.4	7.7	9.8	11.1	11.4	10.1	8.3	5.4	2.9	1.7	79.1
Independence	1.7	2.7	3.4	6.6	8.5	9.5	9.8	8.5	7.1	3.9	2.0	1.5	65.2
Lower Haiwee Res.	1.8	2.7	4.4	7.1	8.5	9.5	9.8	8.5	7.1	4.2	2.6	1.5	67.6
Oasis	2.7	2.8	5.9	8.0	10.4	11.7	11.6	10.0	8.4	6.2	3.4	2.1	83.1
<b>KERN</b>													
Arvin	1.2	1.8	3.5	4.7	6.6	7.4	8.1	7.3	5.3	3.4	1.7	1.0	51.9
Bakersfield	1.0	1.8	3.5	4.7	6.6	7.7	8.5	7.3	5.3	3.5	1.6	0.9	52.4
Bakersfield/Bonanza	1.2	2.2	3.7	5.7	7.4	8.2	8.7	7.8	5.7	4.0	2.1	1.2	57.9
Bakersfield/Greenlee	1.2	2.2	3.7	5.7	7.4	8.2	8.7	7.8	5.7	4.0	2.1	1.2	57.9
Belridge	1.4	2.2	4.1	5.5	7.7	8.5	8.6	7.8	6.0	3.8	2.0	1.5	59.2
Blackwells Corner	1.4	2.1	3.8	5.4	7.0	7.8	8.5	7.7	5.8	3.9	1.9	1.2	56.6
Buttonwillow	1.0	1.8	3.2	4.7	6.6	7.7	8.5	7.3	5.4	3.4	1.5	0.9	52.0
China Lake	2.1	3.2	5.3	7.7	9.2	10.0	11.0	9.8	7.3	4.9	2.7	1.7	74.8
Delano	0.9	1.8	3.4	4.7	6.6	7.7	8.5	7.3	5.4	3.4	1.4	0.7	52.0
Famoso	1.3	1.9	3.5	4.8	6.7	7.6	8.0	7.3	5.5	3.5	1.7	1.3	53.1
Grapevine	1.3	1.8	3.1	4.4	5.6	6.8	7.6	6.8	5.9	3.4	1.9	1.0	49.5
Inyokern	2.0	3.1	4.9	7.3	8.5	9.7	11.0	9.4	7.1	5.1	2.6	1.7	72.4
Isabella Dam	1.2	1.4	2.8	4.4	5.8	7.3	7.9	7.0	5.0	3.2	1.7	0.9	48.4
Lamont	1.3	2.4	4.4	4.6	6.5	7.0	8.8	7.6	5.7	3.7	1.6	0.8	54.4
Lost Hills	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
McFarland/Kern	1.2	2.1	3.7	5.6	7.3	8.0	8.3	7.4	5.6	4.1	2.0	1.2	56.5
Shafter	1.0	1.7	3.4	5.0	6.6	7.7	8.3	7.3	5.4	3.4	1.5	0.9	52.1
Taft	1.3	1.8	3.1	4.3	6.2	7.3	8.5	7.3	5.4	3.4	1.7	1.0	51.2
Tehachapi	1.4	1.8	3.2	5.0	6.1	7.7	7.9	7.3	5.9	3.4	2.1	1.2	52.9
<b>KINGS</b>													
Caruthers	1.6	2.5	4.0	5.7	7.8	8.7	9.3	8.4	6.3	4.4	2.4	1.6	62.7



<b>Appendix A - Reference Evapotranspiration (ETo) Table*</b>													
<b>County and City</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Annual ETo</b>
<b>KINGS</b>													
Corcoran	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Hanford	0.9	1.5	3.4	5.0	6.6	7.7	8.3	7.2	5.4	3.4	1.4	0.7	51.5
Kettleman	1.1	2.0	4.0	6.0	7.5	8.5	9.1	8.2	6.1	4.5	2.2	1.1	60.2
Lemoore	0.9	1.5	3.4	5.0	6.6	7.7	8.3	7.3	5.4	3.4	1.4	0.7	51.7
Stratford	0.9	1.9	3.9	6.1	7.8	8.6	8.8	7.7	5.9	4.1	2.1	1.0	58.7
<b>LAKE</b>													
Lakeport	1.1	1.3	2.6	3.5	5.1	6.0	7.3	6.1	4.7	2.9	1.2	0.9	42.8
Lower Lake	1.2	1.4	2.7	4.5	5.3	6.3	7.4	6.4	5.0	3.1	1.3	0.9	45.4
<b>LASSEN</b>													
Buntingville	1.0	1.7	3.5	4.9	6.2	7.3	8.4	7.5	5.4	3.4	1.5	0.9	51.8
Ravendale	0.6	1.1	2.3	4.1	5.6	6.7	7.9	7.3	4.7	2.8	1.2	0.5	44.9
Susanville	0.7	1.0	2.2	4.1	5.6	6.5	7.8	7.0	4.6	2.8	1.2	0.5	44.0
<b>LOS ANGELES</b>													
Burbank	2.1	2.8	3.7	4.7	5.1	6.0	6.6	6.7	5.4	4.0	2.6	2.0	51.7
Claremont	2.0	2.3	3.4	4.6	5.0	6.0	7.0	7.0	5.3	4.0	2.7	2.1	51.3
El Dorado	1.7	2.2	3.6	4.8	5.1	5.7	5.9	5.9	4.4	3.2	2.2	1.7	46.3
Glendale	2.0	2.2	3.3	3.8	4.7	4.8	5.7	5.6	4.3	3.3	2.2	1.8	43.7
Glendora	2.0	2.5	3.6	4.9	5.4	6.1	7.3	6.8	5.7	4.2	2.6	2.0	53.1
Gorman	1.6	2.2	3.4	4.6	5.5	7.4	7.7	7.1	5.9	3.6	2.4	1.1	52.4
Hollywood Hills	2.1	2.2	3.8	5.4	6.0	6.5	6.7	6.4	5.2	3.7	2.8	2.1	52.8
Lancaster	2.1	3.0	4.6	5.9	8.5	9.7	11.0	9.8	7.3	4.6	2.8	1.7	71.1
Long Beach	1.8	2.1	3.3	3.9	4.5	4.3	5.3	4.7	3.7	2.8	1.8	1.5	39.7
Los Angeles	2.2	2.7	3.7	4.7	5.5	5.8	6.2	5.9	5.0	3.9	2.6	1.9	50.1
Monrovia	2.2	2.3	3.8	4.3	5.5	5.9	6.9	6.4	5.1	3.2	2.5	2.0	50.2
Palmdale	2.0	2.6	4.6	6.2	7.3	8.9	9.8	9.0	6.5	4.7	2.7	2.1	66.2
Pasadena	2.1	2.7	3.7	4.7	5.1	6.0	7.1	6.7	5.6	4.2	2.6	2.0	52.3
Pearblossom	1.7	2.4	3.7	4.7	7.3	7.7	9.9	7.9	6.4	4.0	2.6	1.6	59.9
Pomona	1.7	2.0	3.4	4.5	5.0	5.8	6.5	6.4	4.7	3.5	2.3	1.7	47.5
Redondo Beach	2.2	2.4	3.3	3.8	4.5	4.7	5.4	4.8	4.4	2.8	2.4	2.0	42.6
San Fernando	2.0	2.7	3.5	4.6	5.5	5.9	7.3	6.7	5.3	3.9	2.6	2.0	52.0
Santa Clarita	2.8	2.8	4.1	5.6	6.0	6.8	7.6	7.8	5.8	5.2	3.7	3.2	61.5
Santa Monica	1.8	2.1	3.3	4.5	4.7	5.0	5.4	5.4	3.9	3.4	2.4	2.2	44.2
<b>MADERA</b>													
Chowchilla	1.0	1.4	3.2	4.7	6.6	7.8	8.5	7.3	5.3	3.4	1.4	0.7	51.4
Madera	0.9	1.4	3.2	4.8	6.6	7.8	8.5	7.3	5.3	3.4	1.4	0.7	51.5
Raymond	1.2	1.5	3.0	4.6	6.1	7.6	8.4	7.3	5.2	3.4	1.4	0.7	50.5
<b>MARIN</b>													
Black Point	1.1	1.7	3.0	4.2	5.2	6.2	6.6	5.8	4.3	2.8	1.3	0.9	43.0
Novato	1.3	1.5	2.4	3.5	4.4	6.0	5.9	5.4	4.4	2.8	1.4	0.7	39.8
Point San Pedro	1.1	1.7	3.0	4.2	5.2	6.2	6.6	5.8	4.3	2.8	1.3	0.9	43.0
San Rafael	1.2	1.3	2.4	3.3	4.0	4.8	4.8	4.9	4.3	2.7	1.3	0.7	35.8
<b>MARIPOSA</b>													
Coulterville	1.1	1.5	2.8	4.4	5.9	7.3	8.1	7.0	5.3	3.4	1.4	0.7	48.8
Mariposa	1.1	1.5	2.8	4.4	5.9	7.4	8.2	7.1	5.0	3.4	1.4	0.7	49.0
Yosemite Village	0.7	1.0	2.3	3.7	5.1	6.5	7.1	6.1	4.4	2.9	1.1	0.6	41.4
<b>MENDOCINO</b>													
Fort Bragg	0.9	1.3	2.2	3.0	3.7	3.5	3.7	3.7	3.0	2.3	1.2	0.7	29.0
Hopland	1.1	1.3	2.6	3.4	5.0	5.9	6.5	5.7	4.5	2.8	1.3	0.7	40.9

<b>Appendix A - Reference Evapotranspiration (ETo) Table*</b>													
<b>County and City</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Annual ETo</b>
<b>MENDOCINO</b>													
Point Arena	1.0	1.3	2.3	3.0	3.7	3.9	3.7	3.7	3.0	2.3	1.2	0.7	29.6
Sanel Valley	1.0	1.6	3.0	4.6	6.0	7.0	8.0	7.0	5.2	3.4	1.4	0.9	49.1
Ukiah	1.0	1.3	2.6	3.3	5.0	5.8	6.7	5.9	4.5	2.8	1.3	0.7	40.9
<b>MERCED</b>													
Kesterson	0.9	1.7	3.4	5.5	7.3	8.2	8.6	7.4	5.5	3.8	1.8	0.9	55.1
Los Banos	1.0	1.5	3.2	4.7	6.1	7.4	8.2	7.0	5.3	3.4	1.4	0.7	50.0
Merced	1.0	1.5	3.2	4.7	6.6	7.9	8.5	7.2	5.3	3.4	1.4	0.7	51.5
<b>MODOC</b>													
Modoc/Alturas	0.9	1.4	2.8	3.7	5.1	6.2	7.5	6.6	4.6	2.8	1.2	0.7	43.2
<b>MONO</b>													
Bridgeport	0.7	0.9	2.2	3.8	5.5	6.6	7.4	6.7	4.7	2.7	1.2	0.5	43.0
<b>MONTEREY</b>													
Arroyo Seco	1.5	2.0	3.7	5.4	6.3	7.3	7.2	6.7	5.0	3.9	2.0	1.6	52.6
Castroville	1.4	1.7	3.0	4.2	4.6	4.8	4.0	3.8	3.0	2.6	1.6	1.4	36.2
Gonzales	1.3	1.7	3.4	4.7	5.4	6.3	6.3	5.9	4.4	3.4	1.9	1.3	45.7
Greenfield	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
King City	1.7	2.0	3.4	4.4	4.4	5.6	6.1	6.7	6.5	5.2	2.2	1.3	49.6
King City-Oasis Rd.	1.4	1.9	3.6	5.3	6.5	7.3	7.4	6.8	5.1	4.0	2.0	1.5	52.7
Long Valley	1.5	1.9	3.2	4.1	5.8	6.5	7.3	6.7	5.3	3.6	2.0	1.2	49.1
Monterey	1.7	1.8	2.7	3.5	4.0	4.1	4.3	4.2	3.5	2.8	1.9	1.5	36.0
Pajaro	1.8	2.2	3.7	4.8	5.3	5.7	5.6	5.3	4.3	3.4	2.4	1.8	46.1
Salinas	1.6	1.9	2.7	3.8	4.8	4.7	5.0	4.5	4.0	2.9	1.9	1.3	39.1
Salinas North	1.2	1.5	2.9	4.1	4.6	5.2	4.5	4.3	3.2	2.8	1.5	1.2	36.9
San Ardo	1.0	1.7	3.1	4.5	5.9	7.2	8.1	7.1	5.1	3.1	1.5	1.0	49.0
San Juan	1.8	2.1	3.4	4.6	5.3	5.7	5.5	4.9	3.8	3.2	2.2	1.9	44.2
Soledad	1.7	2.0	3.4	4.4	5.5	5.4	6.5	6.2	5.2	3.7	2.2	1.5	47.7
<b>NAPA</b>													
Angwin	1.8	1.9	3.2	4.7	5.8	7.3	8.1	7.1	5.5	4.5	2.9	2.1	54.9
Carneros	0.8	1.5	3.1	4.6	5.5	6.6	6.9	6.2	4.7	3.5	1.4	1.0	45.8
Oakville	1.0	1.5	2.9	4.7	5.8	6.9	7.2	6.4	4.9	3.5	1.6	1.2	47.7
St Helena	1.2	1.5	2.8	3.9	5.1	6.1	7.0	6.2	4.8	3.1	1.4	0.9	44.1
Yountville	1.3	1.7	2.8	3.9	5.1	6.0	7.1	6.1	4.8	3.1	1.5	0.9	44.3
<b>NEVADA</b>													
Grass Valley	1.1	1.5	2.6	4.0	5.7	7.1	7.9	7.1	5.3	3.2	1.5	0.9	48.0
Nevada City	1.1	1.5	2.6	3.9	5.8	6.9	7.9	7.0	5.3	3.2	1.4	0.9	47.4
<b>ORANGE</b>													
Irvine	2.2	2.5	3.7	4.7	5.2	5.9	6.3	6.2	4.6	3.7	2.6	2.3	49.6
Laguna Beach	2.2	2.7	3.4	3.8	4.6	4.6	4.9	4.9	4.4	3.4	2.4	2.0	43.2
Santa Ana	2.2	2.7	3.7	4.5	4.6	5.4	6.2	6.1	4.7	3.7	2.5	2.0	48.2
<b>PLACER</b>													
Auburn	1.2	1.7	2.8	4.4	6.1	7.4	8.3	7.3	5.4	3.4	1.6	1.0	50.6
Blue Canyon	0.7	1.1	2.1	3.4	4.8	6.0	7.2	6.1	4.6	2.9	0.9	0.6	40.5
Colfax	1.1	1.5	2.6	4.0	5.8	7.1	7.9	7.0	5.3	3.2	1.4	0.9	47.9
Roseville	1.1	1.7	3.1	4.7	6.2	7.7	8.5	7.3	5.6	3.7	1.7	1.0	52.2
Soda Springs	0.7	0.7	1.8	3.0	4.3	5.3	6.2	5.5	4.1	2.5	0.7	0.7	35.4
Tahoe City	0.7	0.7	1.7	3.0	4.3	5.4	6.1	5.6	4.1	2.4	0.8	0.6	35.5
Truckee	0.7	0.7	1.7	3.2	4.4	5.4	6.4	5.7	4.1	2.4	0.8	0.6	36.2

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
<b>PLUMAS</b>													
Portola	0.7	0.9	1.9	3.5	4.9	5.9	7.3	5.9	4.3	2.7	0.9	0.5	39.4
Quincy	0.7	0.9	2.2	3.5	4.9	5.9	7.3	5.9	4.4	2.8	1.2	0.5	40.2
<b>RIVERSIDE</b>													
Beaumont	2.0	2.3	3.4	4.4	6.1	7.1	7.6	7.9	6.0	3.9	2.6	1.7	55.0
Blythe	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Cathedral City	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Coachella	2.9	4.4	6.2	8.4	10.5	11.9	12.3	10.1	8.9	6.2	3.8	2.4	88.1
Desert Center	2.9	4.1	6.4	8.5	11.0	12.1	12.2	11.1	9.0	6.4	3.9	2.6	90.0
Elsinore	2.1	2.8	3.9	4.4	5.9	7.1	7.6	7.0	5.8	3.9	2.6	1.9	55.0
Indio	3.1	3.6	6.5	8.3	10.5	11.0	10.8	9.7	8.3	5.9	3.7	2.7	83.9
La Quinta	2.4	2.8	5.2	6.5	8.3	8.7	8.5	7.9	6.5	4.5	2.7	2.2	66.2
Mecca	2.6	3.3	5.7	7.2	8.6	9.0	8.8	8.2	6.8	5.0	3.2	2.4	70.8
Oasis	2.9	3.3	5.3	6.1	8.5	8.9	8.7	7.9	6.9	4.8	2.9	2.3	68.4
Palm Desert	2.5	3.4	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.6
Palm Springs	2.0	2.9	4.9	7.2	8.3	8.5	11.6	8.3	7.2	5.9	2.7	1.7	71.1
Rancho California	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
Rancho Mirage	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Ripley	2.7	3.3	5.6	7.2	8.7	8.7	8.4	7.6	6.2	4.6	2.8	2.2	67.8
Salton Sea North	2.5	3.3	5.5	7.2	8.8	9.3	9.2	8.5	6.8	5.2	3.1	2.3	71.7
Temecula East II	2.3	2.4	4.1	4.9	6.4	7.0	7.8	7.4	5.7	4.1	2.6	2.2	56.7
Thermal	2.4	3.3	5.5	7.6	9.1	9.6	9.3	8.6	7.1	5.2	3.1	2.1	72.8
Riverside UC	2.5	2.9	4.2	5.3	5.9	6.6	7.2	6.9	5.4	4.1	2.9	2.6	56.4
Winchester	2.3	2.4	4.1	4.9	6.4	6.9	7.7	7.5	6.0	3.9	2.6	2.1	56.8
<b>SACRAMENTO</b>													
Fair Oaks	1.0	1.6	3.4	4.1	6.5	7.5	8.1	7.1	5.2	3.4	1.5	1.0	50.5
Sacramento	1.0	1.8	3.2	4.7	6.4	7.7	8.4	7.2	5.4	3.7	1.7	0.9	51.9
Twitchell Island	1.2	1.8	3.9	5.3	7.4	8.8	9.1	7.8	5.9	3.8	1.7	1.2	57.9
<b>SAN BENITO</b>													
Hollister	1.5	1.8	3.1	4.3	5.5	5.7	6.4	5.9	5.0	3.5	1.7	1.1	45.1
San Benito	1.2	1.6	3.1	4.6	5.6	6.4	6.9	6.5	4.8	3.7	1.7	1.2	47.2
San Juan Valley	1.4	1.8	3.4	4.5	6.0	6.7	7.1	6.4	5.0	3.5	1.8	1.4	49.1
<b>SAN BERNARDINO</b>													
Baker	2.7	3.9	6.1	8.3	10.4	11.8	12.2	11.0	8.9	6.1	3.3	2.1	86.6
Barstow NE	2.2	2.9	5.3	6.9	9.0	10.1	9.9	8.9	6.8	4.8	2.7	2.1	71.7
Big Bear Lake	1.8	2.6	4.6	6.0	7.0	7.6	8.1	7.4	5.4	4.1	2.4	1.8	58.6
Chino	2.1	2.9	3.9	4.5	5.7	6.5	7.3	7.1	5.9	4.2	2.6	2.0	54.6
Crestline	1.5	1.9	3.3	4.4	5.5	6.6	7.8	7.1	5.4	3.5	2.2	1.6	50.8
Lake Arrowhead	1.8	2.6	4.6	6.0	7.0	7.6	8.1	7.4	5.4	4.1	2.4	1.8	58.6
Lucerne Valley	2.2	2.9	5.1	6.5	9.1	11.0	11.4	9.9	7.4	5.0	3.0	1.8	75.3
Needles	3.2	4.2	6.6	8.9	11.0	12.4	12.8	11.0	8.9	6.6	4.0	2.7	92.1
Newberry Springs	2.1	2.9	5.3	8.4	9.8	10.9	11.1	9.9	7.6	5.2	3.1	2.0	78.2
San Bernardino	2.0	2.7	3.8	4.6	5.7	6.9	7.9	7.4	5.9	4.2	2.6	2.0	55.6
Twentynine Palms	2.6	3.6	5.9	7.9	10.1	11.2	11.2	10.3	8.6	5.9	3.4	2.2	82.9
Victorville	2.0	2.6	4.6	6.2	7.3	8.9	9.8	9.0	6.5	4.7	2.7	2.1	66.2
<b>SAN DIEGO</b>													
Chula Vista	2.2	2.7	3.4	3.8	4.9	4.7	5.5	4.9	4.5	3.4	2.4	2.0	44.2
Escondido SPV	2.4	2.6	3.9	4.7	5.9	6.5	7.1	6.7	5.3	3.9	2.8	2.3	54.2
Miramar	2.3	2.5	3.7	4.1	5.1	5.4	6.1	5.8	4.5	3.3	2.4	2.1	47.1

<b>Appendix A - Reference Evapotranspiration (ET<sub>o</sub>) Table*</b>													
<b>County and City</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Annual ET<sub>o</sub></b>
<b>SAN DIEGO</b>													
Oceanside	2.2	2.7	3.4	3.7	4.9	4.6	4.6	5.1	4.1	3.3	2.4	2.0	42.9
Otay Lake	2.3	2.7	3.9	4.6	5.6	5.9	6.2	6.1	4.8	3.7	2.6	2.2	50.4
Pine Valley	1.5	2.4	3.8	5.1	6.0	7.0	7.8	7.3	6.0	4.0	2.2	1.7	54.8
Ramona	2.1	2.1	3.4	4.6	5.2	6.3	6.7	6.8	5.3	4.1	2.8	2.1	51.6
San Diego	2.1	2.4	3.4	4.6	5.1	5.3	5.7	5.6	4.3	3.6	2.4	2.0	46.5
Santee	2.1	2.7	3.7	4.5	5.5	6.1	6.6	6.2	5.4	3.8	2.6	2.0	51.1
Torrey Pines	2.2	2.3	3.4	3.9	4.0	4.1	4.6	4.7	3.8	2.8	2.0	2.0	39.8
Warner Springs	1.6	2.7	3.7	4.7	5.7	7.6	8.3	7.7	6.3	4.0	2.5	1.3	56.0
<b>SAN FRANCISCO</b>													
San Francisco	1.5	1.3	2.4	3.0	3.7	4.6	4.9	4.8	4.1	2.8	1.3	0.7	35.1
<b>SAN JOAQUIN</b>													
Farmington	1.5	1.5	2.9	4.7	6.2	7.6	8.1	6.8	5.3	3.3	1.4	0.7	50.0
Lodi West	1.0	1.6	3.3	4.3	6.3	6.9	7.3	6.4	4.5	3.0	1.4	0.8	46.7
Manteca	0.9	1.7	3.4	5.0	6.5	7.5	8.0	7.1	5.2	3.3	1.6	0.9	51.2
Stockton	0.8	1.5	2.9	4.7	6.2	7.4	8.1	6.8	5.3	3.2	1.4	0.6	49.1
Tracy	1.0	1.5	2.9	4.5	6.1	7.3	7.9	6.7	5.3	3.2	1.3	0.7	48.5
<b>SAN LUIS OBISPO</b>													
Arroyo Grande	2.0	2.2	3.2	3.8	4.3	4.7	4.3	4.6	3.8	3.2	2.4	1.7	40.0
Atascadero	1.2	1.5	2.8	3.9	4.5	6.0	6.7	6.2	5.0	3.2	1.7	1.0	43.7
Morro Bay	2.0	2.2	3.1	3.5	4.3	4.5	4.6	4.6	3.8	3.5	2.1	1.7	39.9
Nipomo	2.2	2.5	3.8	5.1	5.7	6.2	6.4	6.1	4.9	4.1	2.9	2.3	52.1
Paso Robles	1.6	2.0	3.2	4.3	5.5	6.3	7.3	6.7	5.1	3.7	2.1	1.4	49.0
San Luis Obispo	2.0	2.2	3.2	4.1	4.9	5.3	4.6	5.5	4.4	3.5	2.4	1.7	43.8
San Miguel	1.6	2.0	3.2	4.3	5.0	6.4	7.4	6.8	5.1	3.7	2.1	1.4	49.0
San Simeon	2.0	2.0	2.9	3.5	4.2	4.4	4.6	4.3	3.5	3.1	2.0	1.7	38.1
<b>SAN MATEO</b>													
Hal Moon Bay	1.5	1.7	2.4	3.0	3.9	4.3	4.3	4.2	3.5	2.8	1.3	1.0	33.7
Redwood City	1.5	1.8	2.9	3.8	5.2	5.3	6.2	5.6	4.8	3.1	1.7	1.0	42.8
Woodside	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
<b>SANTA BARBARA</b>													
Betteravia	2.1	2.6	4.0	5.2	6.0	5.9	5.8	5.4	4.1	3.3	2.7	2.1	49.1
Carpenteria	2.0	2.4	3.2	3.9	4.8	5.2	5.5	5.7	4.5	3.4	2.4	2.0	44.9
Cuyama	2.1	2.4	3.8	5.4	6.9	7.9	8.5	7.7	5.9	4.5	2.6	2.0	59.7
Goleta	2.1	2.5	3.9	5.1	5.7	5.7	5.4	5.4	4.2	3.2	2.8	2.2	48.1
Goleta Foothills	2.3	2.6	3.7	5.4	5.3	5.6	5.5	5.7	4.5	3.9	2.8	2.3	49.6
Guadalupe	2.0	2.2	3.2	3.7	4.9	4.6	4.5	4.6	4.1	3.3	2.4	1.7	41.1
Lompoc	2.0	2.2	3.2	3.7	4.8	4.6	4.9	4.8	3.9	3.2	2.4	1.7	41.1
Los Alamos	1.8	2.0	3.2	4.1	4.9	5.3	5.7	5.5	4.4	3.7	2.4	1.6	44.6
Santa Barbara	2.0	2.5	3.2	3.8	4.6	5.1	5.5	4.5	3.4	2.4	1.8	1.8	40.6
Santa Maria	1.8	2.3	3.7	5.1	5.7	5.8	5.6	5.3	4.2	3.5	2.4	1.9	47.4
Santa Ynez	1.7	2.2	3.5	5.0	5.8	6.2	6.4	6.0	4.5	3.6	2.2	1.7	48.7
Sisquoc	2.1	2.5	3.8	4.1	6.1	6.3	6.4	5.8	4.7	3.4	2.3	1.8	49.2
Solvang	2.0	2.0	3.3	4.3	5.0	5.6	6.1	5.6	4.4	3.7	2.2	1.6	45.6
<b>SANTA CLARA</b>													
Gilroy	1.3	1.8	3.1	4.1	5.3	5.6	6.1	5.5	4.7	3.4	1.7	1.1	43.6
Los Gatos	1.5	1.8	2.8	3.9	5.0	5.6	6.2	5.5	4.7	3.2	1.7	1.1	42.9
Morgan Hill	1.5	1.8	3.4	4.2	6.3	7.0	7.1	6.0	5.1	3.7	1.9	1.4	49.5
Palo Alto	1.5	1.8	2.8	3.8	5.2	5.3	6.2	5.6	5.0	3.2	1.7	1.0	43.0



<b>Appendix A - Reference Evapotranspiration (ETo) Table*</b>													
<b>County and City</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Annual ETo</b>
<b>SANTA CLARA</b>													
San Jose	1.5	1.8	3.1	4.1	5.5	5.8	6.5	5.9	5.2	3.3	1.8	1.0	45.3
<b>SANTA CRUZ</b>													
De Laveaga	1.4	1.9	3.3	4.7	4.9	5.3	5.0	4.8	3.6	3.0	1.6	1.3	40.8
Green Valley Rd	1.2	1.8	3.2	4.5	4.6	5.4	5.2	5.0	3.7	3.1	1.6	1.3	40.6
Santa Cruz	1.5	1.8	2.6	3.5	4.3	4.4	4.8	4.4	3.8	2.8	1.7	1.2	36.6
Watsonville	1.5	1.8	2.7	3.7	4.6	4.5	4.9	4.2	4.0	2.9	1.8	1.2	37.7
Webb	1.8	2.2	3.7	4.8	5.3	5.7	5.6	5.3	4.3	3.4	2.4	1.8	46.2
<b>SHASTA</b>													
Burney	0.7	1.0	2.1	3.5	4.9	5.9	7.4	6.4	4.4	2.9	0.9	0.6	40.9
Fall River Mills	0.6	1.0	2.1	3.7	5.0	6.1	7.8	6.7	4.6	2.8	0.9	0.5	41.8
Glenburn	0.6	1.0	2.1	3.7	5.0	6.3	7.8	6.7	4.7	2.8	0.9	0.6	42.1
McArthur	0.7	1.4	2.9	4.2	5.6	6.9	8.2	7.2	5.0	3.0	1.1	0.6	46.8
Redding	1.2	1.4	2.6	4.1	5.6	7.1	8.5	7.3	5.3	3.2	1.4	0.9	48.8
<b>SIERRA</b>													
Downieville	0.7	1.0	2.3	3.5	5.0	6.0	7.4	6.2	4.7	2.8	0.9	0.6	41.3
Sierraville	0.7	1.1	2.2	3.2	4.5	5.9	7.3	6.4	4.3	2.6	0.9	0.5	39.6
<b>SISKIYOU</b>													
Happy Camp	0.5	0.9	2.0	3.0	4.3	5.2	6.1	5.3	4.1	2.4	0.9	0.5	35.1
MacDoel	1.0	1.7	3.1	4.5	5.9	7.2	8.1	7.1	5.1	3.1	1.5	1.0	49.0
Mt Shasta	0.5	0.9	2.0	3.0	4.5	5.3	6.7	5.7	4.0	2.2	0.7	0.5	36.0
Tule lake FS	0.7	1.3	2.7	4.0	5.4	6.3	7.1	6.4	4.7	2.8	1.0	0.6	42.9
Weed	0.5	0.9	2.0	2.5	4.5	5.3	6.7	5.5	3.7	2.0	0.9	0.5	34.9
Yreka	0.6	0.9	2.1	3.0	4.9	5.8	7.3	6.5	4.3	2.5	0.9	0.5	39.2
<b>SOLANO</b>													
Benicia	1.3	1.4	2.7	3.8	4.9	5.0	6.4	5.5	4.4	2.9	1.2	0.7	40.3
Dixon	0.7	1.4	3.2	5.2	6.3	7.6	8.2	7.2	5.5	4.3	1.6	1.1	52.1
Fairfield	1.1	1.7	2.8	4.0	5.5	6.1	7.8	6.0	4.8	3.1	1.4	0.9	45.2
Hastings Tract	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Putah Creek	1.0	1.6	3.2	4.9	6.1	7.3	7.9	7.0	5.3	3.8	1.8	1.2	51.0
Rio Vista	0.9	1.7	2.8	4.4	5.9	6.7	7.9	6.5	5.1	3.2	1.3	0.7	47.0
Suisun Valley	0.6	1.3	3.0	4.7	5.8	7.0	7.7	6.8	5.3	3.8	1.4	0.9	48.3
Winters	0.9	1.7	3.3	5.0	6.4	7.5	7.9	7.0	5.2	3.5	1.6	1.0	51.0
<b>SONOMA</b>													
Bennett Valley	1.1	1.7	3.2	4.1	5.5	6.5	6.6	5.7	4.5	3.1	1.5	0.9	44.4
Cloverdale	1.1	1.4	2.6	3.4	5.0	5.9	6.2	5.6	4.5	2.8	1.4	0.7	40.7
Fort Ross	1.2	1.4	2.2	3.0	3.7	4.5	4.2	4.3	3.4	2.4	1.2	0.5	31.9
Healdsburg	1.2	1.5	2.4	3.5	5.0	5.9	6.1	5.6	4.5	2.8	1.4	0.7	40.8
Lincoln	1.2	1.7	2.8	4.7	6.1	7.4	8.4	7.3	5.4	3.7	1.9	1.2	51.9
Petaluma	1.2	1.5	2.8	3.7	4.6	5.6	4.6	5.7	4.5	2.9	1.4	0.9	39.6
Santa Rosa	1.2	1.7	2.8	3.7	5.0	6.0	6.1	5.9	4.5	2.9	1.5	0.7	42.0
Valley of the Moon	1.0	1.6	3.0	4.5	5.6	6.6	7.1	6.3	4.7	3.3	1.5	1.0	46.1
Windsor	0.9	1.6	3.0	4.5	5.5	6.5	6.5	5.9	4.4	3.2	1.4	1.0	44.2
<b>STANISLAUS</b>													
Denair	1.0	1.9	3.6	4.7	7.0	7.9	8.0	6.1	5.3	3.4	1.5	1.0	51.4
La Grange	1.2	1.5	3.1	4.7	6.2	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.2
Modesto	0.9	1.4	3.2	4.7	6.4	7.7	8.1	6.8	5.0	3.4	1.4	0.7	49.7
Newman	1.0	1.5	3.2	4.6	6.2	7.4	8.1	6.7	5.0	3.4	1.4	0.7	49.3
Oakdale	1.2	1.5	3.2	4.7	6.2	7.7	8.1	7.1	5.1	3.4	1.4	0.7	50.3

Appendix A - Reference Evapotranspiration (ET <sub>o</sub> ) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ET <sub>o</sub>
<b>STANISLAUS</b>													
Patterson	1.3	2.1	4.2	5.4	7.9	8.6	8.2	6.6	5.8	4.0	1.9	1.3	57.3
Turlock	0.9	1.5	3.2	4.7	6.5	7.7	8.2	7.0	5.1	3.4	1.4	0.7	50.2
<b>SUTTER</b>													
Nicolaus	0.9	1.6	3.2	4.9	6.3	7.5	8.0	6.9	5.2	3.4	1.5	0.9	50.2
Yuba City	1.3	2.1	2.8	4.4	5.7	7.2	7.1	6.1	4.7	3.2	1.2	0.9	46.7
<b>TEHAMA</b>													
Corning	1.2	1.8	2.9	4.5	6.1	7.3	8.1	7.2	5.3	3.7	1.7	1.1	50.7
Gerber	1.0	1.8	3.5	5.0	6.6	7.9	8.7	7.4	5.8	4.1	1.8	1.1	54.7
Gerber Dryland	0.9	1.6	3.2	4.7	6.7	8.4	9.0	7.9	6.0	4.2	2.0	1.0	55.5
Red Bluff	1.2	1.8	2.9	4.4	5.9	7.4	8.5	7.3	5.4	3.5	1.7	1.0	51.1
<b>TRINITY</b>													
Hay Fork	0.5	1.1	2.3	3.5	4.9	5.9	7.0	6.0	4.5	2.8	0.9	0.7	40.1
Weaverville	0.6	1.1	2.2	3.3	4.9	5.9	7.3	6.0	4.4	2.7	0.9	0.7	40.0
<b>TULARE</b>													
Alpaugh	0.9	1.7	3.4	4.8	6.6	7.7	8.2	7.3	5.4	3.4	1.4	0.7	51.6
Badger	1.0	1.3	2.7	4.1	6.0	7.3	7.7	7.0	4.8	3.3	1.4	0.7	47.3
Delano	1.1	1.9	4.0	4.9	7.2	7.9	8.1	7.3	5.4	3.2	1.5	1.2	53.6
Dinuba	1.1	1.5	3.2	4.7	6.2	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.2
Lindcove	0.9	1.6	3.0	4.8	6.5	7.6	8.1	7.2	5.2	3.4	1.6	0.9	50.6
Porterville	1.2	1.8	3.4	4.7	6.6	7.7	8.5	7.3	5.3	3.4	1.4	0.7	52.1
Visalia	0.9	1.7	3.3	5.1	6.8	7.7	7.9	6.9	4.9	3.2	1.5	0.8	50.7
<b>TUOLUMNE</b>													
Groveland	1.1	1.5	2.8	4.1	5.7	7.2	7.9	6.6	5.1	3.3	1.4	0.7	47.5
Sonora	1.1	1.5	2.8	4.1	5.8	7.2	7.9	6.7	5.1	3.2	1.4	0.7	47.6
<b>VENTURA</b>													
Camarillo	2.2	2.5	3.7	4.3	5.0	5.2	5.9	5.4	4.2	3.0	2.5	2.1	46.1
Oxnard	2.2	2.5	3.2	3.7	4.4	4.6	5.4	4.8	4.0	3.3	2.4	2.0	42.3
Piru	2.8	2.8	4.1	5.6	6.0	6.8	7.6	7.8	5.8	5.2	3.7	3.2	61.5
Port Hueneme	2.0	2.3	3.3	4.6	4.9	4.9	4.9	5.0	3.7	3.2	2.5	2.2	43.5
Thousand Oaks	2.2	2.6	3.4	4.5	5.4	5.9	6.7	6.4	5.4	3.9	2.6	2.0	51.0
Ventura	2.2	2.6	3.2	3.8	4.6	4.7	5.5	4.9	4.1	3.4	2.5	2.0	43.5
<b>YOLO</b>													
Bryte	0.9	1.7	3.3	5.0	6.4	7.5	7.9	7.0	5.2	3.5	1.6	1.0	51.0
Davis	1.0	1.9	3.3	5.0	6.4	7.6	8.2	7.1	5.4	4.0	1.8	1.0	52.5
Esparto	1.0	1.7	3.4	5.5	6.9	8.1	8.5	7.5	5.8	4.2	2.0	1.2	55.8
Winters	1.7	1.7	2.9	4.4	5.8	7.1	7.9	6.7	5.3	3.3	1.6	1.0	49.4
Woodland	1.0	1.8	3.2	4.7	6.1	7.7	8.2	7.2	5.4	3.7	1.7	1.0	51.6
Zamora	1.1	1.9	3.5	5.2	6.4	7.4	7.8	7.0	5.5	4.0	1.9	1.2	52.8
<b>YUBA</b>													
Browns Valley	1.0	1.7	3.1	4.7	6.1	7.5	8.5	7.6	5.7	4.1	2.0	1.1	52.9
Brownsville	1.1	1.4	2.6	4.0	5.7	6.8	7.9	6.8	5.3	3.4	1.5	0.9	47.4

\* The values in this table were derived from:

- 1) California Irrigation Management Information System (CIMIS);
- 2) Reference EvapoTranspiration Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999; and
- 3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922;
- 4) Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426

#### HISTORY

1. New Appendix A filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).

2. Repealer and new Appendix A filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

Appendix B — Sample Water Efficient Landscape Worksheet.

**WATER EFFICIENT LANDSCAPE WORKSHEET**

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package.

Reference Evapotranspiration (ETo) \_\_\_\_\_

Hydrozone # /Planting Description <sup>a</sup>	Plant Factor (PF)	Irrigation Method <sup>b</sup>	Irrigation Efficiency (IE) <sup>c</sup>	ETAF (PF/IE)	Landscape Area (sq. ft.)	ETAF x Area	Estimated Total Water Use (ETWU) <sup>e</sup>
<b>Regular Landscape Areas</b>							
				Totals	(A)	(B)	
<b>Special Landscape Areas</b>							
				1			
				1			
				1			
				Totals	(C)	(D)	
				<b>ETWU Total</b>			
				<b>Maximum Allowed Water Allowance (MAWA)<sup>e</sup></b>			

<sup>a</sup>Hydrozone #/Planting Description  
E.g  
1.) front lawn  
2.) low water use plantings  
3.) medium water use planting

<sup>b</sup>Irrigation Method  
overhead spray  
or drip

<sup>c</sup>Irrigation Efficiency  
0.75 for spray head  
0.81 for drip

<sup>d</sup>ETWU (Annual Gallons Required) =  
Eto x 0.62 x ETAF x Area  
where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year.

<sup>e</sup>MAWA (Annual Gallons Allowed) = (Eto) ( 0.62) [ (ETAF x LA) + ((1-ETAF) x SLA)]  
where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year. LA is the total landscape area in square feet. SLA is the total special landscape area in square feet, and ETAF is .55 for residential areas and 0.45 for non-residential areas.

**ETAF Calculations**

Regular Landscape Areas

Total ETAF x Area	(B)
Total Area	(A)
Average ETAF	<b>B ÷ A</b>

**Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.**

All Landscape Areas

Total ETAF x Area	(B+D)
Total Area	(A+C)
Sitewide ETAF	<b>(B+D) ÷ (A+C)</b>

HISTORY

1. New Appendix B filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).

2. Repealer and new Appendix B filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

Appendix C — Sample Certificate of Completion.

**CERTIFICATE OF COMPLETION**

This certificate is filled out by the project applicant upon completion of the landscape project.

**PART 1. PROJECT INFORMATION SHEET**

Date		
Project Name		
Name of Project Applicant	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

**Project Address and Location:**

Street Address	Parcel, tract or lot number, if available.	
City	Latitude/Longitude (optional)	
State	Zip Code	

**Property Owner or his/her designee:**

Name	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

**Property Owner**

"I/we certify that I/we have received copies of all the documents within the Landscape Documentation Package and the Certificate of Completion and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."

\_\_\_\_\_

Property Owner Signature Date

**Please answer the questions below:**

1. Date the Landscape Documentation Package was submitted to the local agency \_\_\_\_\_
2. Date the Landscape Documentation Package was approved by the local agency \_\_\_\_\_
3. Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to the local water purveyor \_\_\_\_\_

**PART 2. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE**

"I/we certify that based upon periodic site observations, the work has been completed in accordance with the ordinance and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package."

Signature*	Date	
Name (print)	Telephone No.	
	Fax No.	
Title	Email Address	
License No. or Certification No.		
Company	Street Address	
City	State	Zip Code

\*Signer of the landscape design plan, signer of the irrigation plan, or a licensed landscape contractor.

**PART 3. IRRIGATION SCHEDULING**

Attach parameters for setting the irrigation schedule on controller per ordinance Section 492.10.

**PART 4. SCHEDULE OF LANDSCAPE AND IRRIGATION MAINTENANCE**

Attach schedule of Landscape and Irrigation Maintenance per ordinance Section 492.11.

**PART 5. LANDSCAPE IRRIGATION AUDIT REPORT**

Attach Landscape Irrigation Audit Report per ordinance Section 492.12.

**PART 6. SOIL MANAGEMENT REPORT**

Attach soil analysis report, if not previously submitted with the Landscape Documentation Package per ordinance Section 492.6.

Attach documentation verifying implementation of recommendations from soil analysis report per ordinance Section 492.6.

HISTORY

1. New Appendix C filed 9-10-2009; operative 9-10-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 37).

2. Repealer and new Appendix C filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

### Appendix D — Prescriptive Compliance Option.

(a) This appendix contains prescriptive requirements which may be used as a compliance option to the Model Water Efficient Landscape Ordinance.

(b) Compliance with the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:

(1) Submit a Landscape Documentation Package which includes the following elements:

- (A) date
- (B) project applicant
- (C) project address (if available, parcel and/or lot number(s))
- (D) total landscape area (square feet), including a breakdown of turf and plant material
- (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
- (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
- (G) contact information for the project applicant and property owner
- (H) applicant signature and date with statement, "I agree to comply with the requirements of the prescriptive compliance option to the MWELO".

(2) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test);

(3) Plant material shall comply with all of the following:

(A) For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water; For non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;

(B) A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

(4) Turf shall comply with all of the following:

(A) Turf shall not exceed 25% of the landscape area in residential areas, and there shall be no turf in non-residential areas;

(B) Turf shall not be planted on sloped areas which exceed a slope of 1 foot vertical elevation change for every 4 feet of horizontal length;

(C) Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.

(5) Irrigation systems shall comply with the following:

(A) Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.

(B) Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.

(C) Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.

(D) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.

(E) All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard," All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

(F) Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

(6) For non-residential projects with landscape areas of 1,000 sq. ft. or more, a private submeter(s) to measure landscape water use shall be installed.

(c) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

#### HISTORY

1. New Appendix D filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).

## Chapter 2.7.1. Flood Protection Corridor Program of the Costa-Machado Water Act of 2000

### § 497.1. Scope.

(a) These regulations implement Sections 79035 through 79044, and 79044.9 in Article 2.5 of Chapter 5 of Division 26 of the Water Code, which Division is the Costa-Machado Water Act of 2000. They establish a process for funding acquisition of property rights and related activities for flood protection corridor projects undertaken by the Department of Water Resources directly or through grants to local public agencies or nonprofit organizations.

(b) The Flood Protection Corridor Program is statewide in scope. Within the geographic scope of the CALFED Bay-Delta Program, funds in the subaccount for this program shall be used for projects that, to the greatest extent possible, are consistent with the CALFED long-term plan identified in the Programmatic Record of Decision of August 28, 2000.

NOTE: Authority cited: Sections 8300, 12580 and 79044.9, Water Code; 2000 Cal. Stat. Ch. 52, Item No. 3860-101-6005; 2001 Cal. Stat. Ch. 106, Item No. 3860-001-0001, Provision 3; and 2002 Cal. Stat. Ch. 379, Item No. 3860-101-6005. Reference: Sections 79037, 79043, 79044 and 79044.9, Water Code

#### HISTORY

1. New chapter 2.7.1 (sections 497.1-497.12) and section filed 8-19-2003; operative 8-19-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 34).

### § 497.2. Definitions.

The words used in this chapter have meanings set forth as follows:

(a) "A List" means the preferred priority list of projects described in Section 497.6.

(b) "Applicant" means an entity that is acting as the principal party making an application for funding under the provisions of the Costa-Machado Water Act of 2000.

(c) "B List" means the reserve priority list of projects described in Section 497.6.

(d) "CEQA" means the California Environmental Quality Act, Public Resources Code Sections 21000 *et seq.*

(e) "Department" means the California Department of Water Resources.

(f) "Director" means the Director of the Department of Water Resources.

(g) "FEMA" means the Federal Emergency Management Agency.

(h) "Fully funded" with respect to a grant project means funded to the full amount of the requested funds or to the funding limit, whichever is less.

(i) "Grant application form" means the Department's form entitled "Flood Protection Corridor Program Project Evaluation Criteria and Competitive Grant Application Form" dated April 9, 2003 and incorporated herein by this reference.

(j) "Local public agency" means any political subdivision of the State of California, including but not limited to any county, city, city and county, district, joint powers agency, or council of governments.



(k) “Milestone” means a time when a significant portion of a project is completed, as defined in the contract as a time for disbursement of grant funds.

(l) “Nonprofit organization” means an organization that does not operate for profit and has no official governmental status, including but not limited to clubs, societies, neighborhood organizations, advisory councils, conservation organizations and privately run local community conservation corps.

(m) “Program” means the Flood Protection Corridor Program established by Water Code Division 26, Chapter 5, Article 2.5.

(n) “Property interest” means any right in real property, including easement, fee title, and any other kind of right acquired by legally binding means.

(o) “Project” means all planning, engineering, acquisition of real property interests, construction and related activities undertaken to implement a discrete action undertaken under the program pursuant to Water Code Section 79037.

(p) “Sponsor” means an applicant who has received grant funding through the application process described in these regulations.

(q) “Subaccount” means the Flood Protection Corridor Subaccount created by Water Code Section 79035(a).

NOTE: Authority cited: Sections 8300, 12580 and 79044.9, Water Code. Reference: Sections 79035, 70937, 79038(a) and 79043, Water Code; and Sections 21000 *et seq.*, Public Resources Code.

#### HISTORY

1. New section filed 8–19–2003; operative 8–19–2003 pursuant to Government Code section 11343.4 (Register 2003, No. 34).

### § 497.3. Program Management Process.

The Department selects, approves, funds, and monitors projects funded by grants under the program. The process of managing the program includes these steps:

(a) The Department shall appoint and maintain a Project Evaluation Team composed of Department staff and other consulting governmental agencies. The Department may request consultation with any appropriate government agency, including but not limited to the Department of Conservation, the Department of Fish and Game, the Department of Food and Agriculture, the Office of Emergency Services, and the CALFED Bay–Delta Program.

(b) Local public agencies or nonprofit organizations qualified under Section 497.4 may apply for program grants for projects at such times as

the Department may designate. Applications for proposed projects shall be submitted in response to a solicitation issued by the Department. As long as uncommitted funds remain available to fund new projects, the Department shall solicit proposals at least once per calendar year. The time period for submitting applications shall be 90 days from the date notice is given by the Department that project proposals are being solicited. Notices shall be provided to cities, counties, flood control districts, reclamation districts, and other local government entities that manage flood plains and flood control projects. The Department will also provide notice to nonprofit organizations with interest in flood management issues, and shall send notice to all individuals and organizations that have requested notice of the opportunity to submit applications. Notices may be given by mail, electronic mail, website posting, or any other method that provides easy access and prompt availability. Projects shall meet the requirements of Section 497.5. Applications shall meet the requirements of Section 497.7.

(c) The Project Evaluation Team shall review each application and evaluate the subject project within 60 days of the close of the specified submittal period, or within 60 days of receipt of requested additional information, whichever is later.

(d) The Project Evaluation Team shall notify the Department to request the applicant to provide additional information within 30 days of the Department’s request if:

- (1) The project appears potentially eligible but is missing information needed to evaluate the merits of the project, or
- (2) Additional information is needed to evaluate the merits of the project in comparison to others received.

(e) If the requested additional information cannot be provided in 30 days, the applicant may refile its application with the additional information at the Department’s next solicitation of proposals.

(f) When a proposal that meets minimum qualifications is complete and all requested additional information has been supplied, the Project Evaluation Team shall complete the evaluation of the project including recommending its place on a priority list as described in Section 497.6.

(g) After each solicitation of proposals, Department staff, using the evaluations and recommended priorities of the Project Evaluation Team, shall recommend projects, priority, and amounts per project to be funded and submit the recommendations to the Director for approval of the priority lists. Department staff may recommend:

**DWR Findings regarding an update of the Model Water Efficient Landscape Ordinance**  
**Pursuant to Government Code 65596.5(a)(1)**

**WHEREAS**, on September 26, 2016 the Governor approved AB 2515, amending the Water Conservation in Landscaping Act adding Section 65596.5 to the Government Code relating to water-efficient landscaping.

**WHEREAS**, this Section requires the Department to update the Model Water Efficient Landscape Ordinance (MWELO) by January 1, 2020; or alternatively, to make a finding that an update at that time is not a useful or effective means to improve either the efficiency of landscape water use or the administration of the ordinance.

**WHEREAS**, Section 65596.5(a)(2) expressly gives the Department the discretion to determine if an update at a particular time would be a useful or effective means of improving water efficiency or administration of the ordinance.

**WHEREAS**, since MWELO's implementation in 1993, compliance rates with the ordinance have been low, ranging from 26%-66%; since the latest MWELO update in 2015, compliance with the ordinance has ranged from only 26%-35%.

**WHEREAS**, in response to the legislative mandate of AB 2515, DWR engaged in extensive pre-rulemaking fact finding, forming a Landscape Stakeholders Advisory Group (LSAG) in October 2016 to identify problems with the ordinance and in particular, to explore whether improving the clarity of the ordinance and simplifying reporting mechanisms might address the historically low MWELO compliance rates.

**WHEREAS**, DWR received extensive detailed recommendations from the LSAG representing hundreds of hours of work from landscaping, land use and water professionals;

**WHEREAS**, the extensive list of recommendations include improvement to clarity, removing un-enforceable language, changing some technical requirements, expanding the threshold for the prescriptive track option, and expanding the use of alternative water sources. The comments represent thorough discussions and substantial time commitments from dedicated members of the LSAG.

**WHEREAS**, although these comments provide invaluable insight and suggestions for many specific amendments, they do not provide sufficient insight on the reasons for low compliance or how to improve it. The comments will be relied upon for an update anticipated in 2023.

**WHEREAS**, the Department has determined that more study is necessary to better understand how to increase compliance with the ordinance before an update will be a useful or effective means to improve both water efficiency and the administration of the ordinance. To better understand the lack of local compliance, the Department proposes to conduct a study that will highlight successes and identify barriers that local agencies face, conduct workshops, and prepare guidance materials.



**WHEREAS**, the Department plans to take steps to improve the implementation rate of MWELO compliance amongst local agencies, and then consider the LSAG recommendations during a more comprehensive update of MWELO in 2023, where the recommendations will be more valuable.

**THEREFORE**, after careful consideration of the extensive stakeholder comments received, and information gathered in substantial pre-rulemaking fact-finding, the Department has determined pursuant to its authority under Govt. Code Section 65596.5(a)(2), that an update of MWELO at this time would not be a useful or effective means to improve either the efficiency of landscape water use or the administration of the ordinance.

## Agenda Item I

### **DISCUSS AND POSSIBLE ACTION ON 2019-2021 STRATEGIC PLAN OBJECTIVE TO RESEARCH THE FEASIBILITY OF REQUIRING A LICENSE NUMBER ON ALL CORRESPONDENCE AND ADVERTISEMENT PLATFORMS TO INFORM AND PROTECT CONSUMERS AND PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 26, SECTION 2671 PUBLIC PRESENTMENTS AND ADVERTISING REQUIREMENTS**

The Landscape Architects Technical Committee's (LATC) 2019-2021 Strategic Plan contains an objective to "research the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers."

LATC enforcement staff reviewed several non-healing arts board's and bureau's Practice Acts to identify language, if applicable, requiring license numbers to be included on all advertisements to determine if similar language could be added to LATC's California Code of Regulations (CCR) section 2671 (Public Presentments and Advertising Requirements). Staff found that the Bureau of Security and Investigative Services and Contractors State License Board Practice Acts require their licensees to include license numbers on all forms of advertisements, as well as the Regulations Relating to the Practices of Geology and Geophysics for the Board for Professional Engineers, Land Surveyors, and Geologists which also requires licensees include license numbers on all advertisements for geologic or geophysical services.

Currently, CCR section 2671 requires that a landscape architect only include their name and the words "landscape architect" in all forms of advertising or public presentments. In an effort to better inform and protect California consumers, the proposed changes of the LATC's current advertising requirements will expand to include license numbers in all forms of advertising.

Proposed language to CCR section 2671 is shown in Attachment 1.

The Committee is asked to review and discuss the proposed amendment to CCR section 2671 and take possible action.

#### Attachment:

Proposed Language to Amend California Code of Regulations Section 2671

**CALIFORNIA ARCHITECTS BOARD**  
**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**  
**PROPOSED REGULATORY LANGUAGE**

Changes to the original language are shown in single underline for new text and single ~~strikethrough~~ for deleted text.

Amend Section 2671 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

**§ 2671. Public Presentments and Advertising Requirements.**

(a) A landscape architect shall include his or her name, license number, and the words “landscape architect” in all forms of advertisements or presentments made to the public in connection with the rendition of landscape architectural services for which a license is required by the Landscape Architects Law, including, but not limited to, any advertisement, card, letterhead, or contract proposal.

(b) For purposes of a group practice ~~which~~that contains or employs two or more landscape architects, the requirements of subsection (a) of this section shall be deemed satisfied as to such group practice if the name and license number of the landscape architect who is a partner, principal, officer, or employee of the group practice and the words “Landscape Architect” are included in its advertisements or presentments made to the public.

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 137, Business and Professions Code.

## **Agenda Item J**

### **REVIEW AND POSSIBLE ACTION ON ASSESSMENT OF INITIAL LANDSCAPE ARCHITECT LICENSE FEE**

At its meeting on February 8, 2019, LATC directed staff to provide an update at a future meeting summarizing the current LATC initial license fee structure. This issue was raised following a question posed to the Committee by a member of the public regarding whether the LATC would consider reducing the initial license fee.

Currently, an initial license is valid for a period of two years and the associated fee is \$400, as outlined in California Code of Regulations section 2649 (Fees). To provide context for today's discussion, staff gathered information on the licensure fees charged by all other landscape architecture licensing jurisdictions within the United States and prepared the attached comparison for the Committee's review, which focuses on the CLARB Region 5 jurisdictions and comparable jurisdictions with more than 1,000 licensees.

At today's meeting, the LATC is asked to review the information provided and determine if further action is needed.

Attachment:

Comparison of Initial Landscape Architect License Fee by Jurisdiction – April 2019

**Comparison of Initial Landscape Architect License Fee by Jurisdiction**

**Purpose:** To provide a comparison of the initial license fees of California with similar jurisdictions.

**Summary:** Fourteen states were reviewed, including the Council of Landscape Architectural Registratoin Boards (CLARB) Region 5 states and the states with large license populations. Of those reviewed, six issue one-year initial licenses, six issue two-year initial licenses, and two issue three-year initial licenses. In order to compare the initial license fees, staff analyzed the fees based on the annual equivalent.

California’s initial license and renewal fees are the lowest among the three west-coast jurisdictions (i.e., California, Oregon, and Washington).

The range of initial license fees among CLARB Region 5 jurisdictions (i.e., Washington, Oregon, California, Montana, Alaska, Nevada, Idaho, Utah, Arizona, and Hawaii) is between \$100 (Arizona) and \$450 (Washington), when annualized, California’s fee of \$200 per year is within the middle range.

Additionally, California’s initial license fee is comparable to Florida and Texas who have more than 1,000 licensees. For example, California’s initial license (two-year) fee is \$400, Florida’s initial license (one- year) fee is \$379, and Texas’ initial license (one-year) fee is \$155. Note: New York’s license fees are dissimilar to the jurisdictions analyzed. Even though New York has more than 1,000 licensees, when annualized, New York’s license fees are \$83 per year.

**Conclusion:** California’s initial license fee is comparable to most Region 5 and large state boards.

**Staff Recommendation:** If the Committee determines that there may be a need to adjust the fee, it is recommended that Department of Consumer Affairs’ Budget Office be consulted to determine the impact on the program budget and if a fee reduction is feasible.

**CLARB Region 5 Jurisdictions**

<b>Jurisdiction</b>	<b>Initial License Fee</b>	<b>Initial License Period (year)</b>	<b>Annual Equivalent</b>	<b>Number of Licensees</b>
Washington	\$450	2	\$225	828
Oregon	\$425	1	\$425	497
California	\$400	2	\$200	3,619
Montana	\$325	1	\$325	122
Alaska	\$300	2	\$150	50
Hawaii	\$216	2	\$108	155
Nevada	\$175	1	\$175	360
Idaho	\$125	1	\$125	271
Utah	\$120	2	\$60	370
Arizona	\$100	3	\$33	727

**Comparable Jurisdictions  
(More than 1,000 Licensees)**

<b>Jurisdiction</b>	<b>Initial License Fee</b>	<b>Initial License Period (year)</b>	<b>Annual Equivalent</b>	<b>Number of Licensees</b>
California	\$400	2	\$200	3,619
Florida	\$379	1	\$379	1,153
New York	\$294	3	\$83	1,334
Texas	\$155	1	\$155	1,817

## **Agenda Item K**

### **REVIEW AND POSSIBLE ACTION ON THE UNIVERSITY OF CALIFORNIA EXTENSION CERTIFICATE PROGRAM SUBCOMMITTEE'S RECOMMENDATION TO AMEND CCR, TITLE 16, DIVISION 26, SECTION 2620.5 REQUIREMENTS FOR AN APPROVED EXTENSION CERTIFICATE PROGRAM**

The University of California, Los Angeles (UCLA) and University of California, Berkeley (CAL) Extension Programs were established in 1976 and 1982 respectively. As part of the University of California, both Extension Programs are governed by their respective university policies and academic standards.

In November 1991, the Board of Landscape Architects (BLA) adopted CCR, title 16, section 2620.5, formally establishing requirements for Board approval of extension certificate programs, based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB).

In 2009, the LAAB implemented changes to its accreditation standards which prompted the LATC to pursue changes to section 2620.5. For the past several years the LATC has considered different variations of proposed regulatory changes to section 2620.5 and requested staff to conduct various research. Part of the research conducted included the Department of Consumer Affairs (DCA) Legal Counsel's review which revealed that section 2620.5 does not currently require the LATC to perform extension certificate program site visits or establish site visit procedures to evaluate the program's adherence to requirements it sets forth. Rather, the regulation specifies the necessary components and documentation required for extension certificate program approval. In addition, section 2620.5 does not establish an expiration of the Board's approval (pursuant to Business and Professions Code section 5630) of a program or extensions of time for reapproval, and information and documentation submitted by an extension certificate program received in a Self-Evaluation Report often contains information not required by the regulation.

At its meeting on December 6, 2018, the LATC reviewed the current provisions of section 2620.5 to determine whether the following should be addressed in the regulation: 1) program approval expiration, reauthorization, and extensions of said approval; 2) provisions for site reviews and how or if these shall be conducted; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with this regulation. Following discussion, the LATC appointed a subcommittee comprised of Marq Truscott and Stephanie Landregan to consider the current regulation and determine what changes are necessary at this time.

On January 17, 2019, staff held a conference call with the subcommittee where together they developed recommended changes to CCR section 2620.5 and the review/approval procedures for LATC's consideration (see Attachment 1).

At its meeting on February 8, 2019, the LATC reviewed the subcommittee's recommendations and directed staff to prepare proposed regulatory language to amend CCR section 2620.5 that reflects the subcommittee's recommended changes, without the specified change to instructional personnel requirements (for related discussion, refer to page 4 of the February 8, 2019 LATC Meeting Minutes under agenda item E). Following the meeting, staff consulted with DCA Legal Counsel to prepare the attached regulatory proposal (see Attachment 2). For the Committee's review and consideration, Legal Counsel also provided comments pertaining to the proposed amendments to CCR section 2620.5 (see Attachment 3). These comments are intended to explain various changes included in the regulatory proposal and to advise the Committee as to how some areas of the proposal may be revised to enhance clarity and establish a more justifiable proposal for submission to the Office of Administrative Law (OAL).

At today's meeting, the Committee is asked to review and consider the attached regulatory proposal to amend CCR section 2620.5, along with the associated comments provided by DCA Legal Counsel, and take possible action. It should be noted that determined changes to the regulatory language must be supported by sufficient justification for submittal to OAL for approval.

Attachments:

1. Extension Certificate Program Subcommittee Recommendations
2. Proposed Regulatory Language to Amend CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program)
3. DCA Legal Comments Pertaining to Proposed Amendments to CCR Section 2620.5

## **Extension Certificate Program Subcommittee Recommendations**

On December 6, 2018, the Landscape Architects Technical Committee (LATC) appointed a subcommittee comprised of Marq Truscott and Stephanie Landregan to consider California Code of Regulations (CCR) section 2620.5 and determine what changes are necessary at this time. On January 17, 2019, staff held a conference call with the subcommittee where together they developed the following recommended changes to CCR section 2620.5 or the review/approval procedures for LATC's consideration:

### Curriculum Requirements

- Expand the current list of required curriculum areas outlined in CCR section 2620.5 subsection (i) to include "current California regulation covering the environment, landscape architecture, and water conservation"

### Instructional Personnel Requirements

- Amend the instructional personnel requirements outlined in CCR section 2620.5 subsection (m)(1) to allow an approved extension certificate in landscape architecture

### Submittal Requirements for Board Approval/Renewal of Approval

- Specify in regulation the submittal requirements for Board approval, and renewal of approval, of an extension certificate program
- Require programs to apply for renewal of Board approval every six years by submitting a self-evaluation report to the Board detailing conformance with CCR section 2620.5 requirements
- Specify in either regulation or future extension certificate program site review/approval procedures, that, following submittal of a program's self-evaluation report, the report shall be agendized at the next regular meeting of the LATC and that upon review of the report the Board may: 1) recommend renewal of the program for an additional six years; 2) request additional information to consider the request for renewal; or 3) recommend a shorter period of renewal of the program stating reasons of non-conformance to be addressed within a specified timeframe

### Site Visit Requirements

- Conduct one-day site visits prior to granting Board approval or renewal of approval
- Site visit teams should be comprised of one LATC member, one faculty member from an LAAB-accredited program located in California, and one licensed landscape architect
- Site visits should focus on confirming accuracy of information provided in the program's submitted self-evaluation report
- Site visits may include meetings with the school administrator, program director, department director, program faculty, students, and/or alumni



# CALIFORNIA ARCHITECTS BOARD

## LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

### PROPOSED REGULATORY LANGUAGE

Changes to the original language are shown in single underline for new text and single ~~strikethrough~~ for deleted text.

Amend Section 2620.5 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

#### § 2620.5. Requirements for an Approved Extension Certificate Program.

(a) An educational program offering an extension certificate ~~program~~ in landscape architecture shall apply to the Board for approval and shall meet the following requirements:

(1a) The educational program shall be established in an educational institution ~~which~~that has a four-year educational curriculum and either is approved under ~~Section 94900~~Article 6 (commencing with Section 94885) of Chapter 8 of Part 59 of Division 10 of the Education Code or is an institution of public higher education as defined by Section 66010 of the Education Code.

(2b) There shall be a written statement of the program's philosophy and objectives which serves as a basis for curriculum structure. Such statement shall take into consideration the broad perspective of values, missions, and goals of the profession of landscape architecture. The program objectives shall provide for relationships and linkages with other disciplines and public and private landscape architectural practices. The program objectives shall be reinforced by course inclusion, emphasis, and sequence in a manner ~~which~~that promotes achievement of program objectives.

The program's literature shall fully and accurately describe the program's philosophy and objectives.

(3e) The program shall have a written plan for evaluation of the total program, including admission and selection procedures, attrition and retention of students, and performance of graduates in meeting community needs.

(4d) The program shall be administered as a discrete program in landscape architecture within the institution with which it is affiliated.

(5e) There shall be an organizational chart ~~which~~that identifies the relationships, lines of authority, and channels of communication within the program and between the program and other administrative segments of the institution with which it is affiliated.

(6f) The program shall have sufficient authority and resources to achieve its educational objectives.

(7g) The program's director shall be a landscape architect.

(8h) The faculty shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing, and evaluating all aspects of the program. The faculty shall be adequate in type and number to develop and implement the program approved by the Board.

(9i) The program curriculum shall provide instruction in the following areas related to landscape architecture:

- (A) History, art, and communication
- (B) Natural, cultural, and social systems
- (C) Design as a process in shaping the environment
- (D) Plant material and their application
- (E) Construction materials and techniques
- (F) Professional practice methods
- (G) Professional ethics and values
- (H) Computer systems and advanced technology
- (I) Current California statutes and regulations covering the environment, landscape architecture, and water conservation

The program's curriculum shall not be revised until it has been approved by the Board.

~~(10)~~ The program shall consist of at least 90 quarter units or 60 semester units.

~~(11)~~ The program shall maintain a current syllabus for each required course which includes the course objectives, content and the methods of evaluating student performance.

~~(12)~~ The curriculum shall be offered in a timeframe ~~which~~that reflects the proper course sequence. Students shall be required to adhere to that sequence, and courses shall be offered in a consistent and timely manner in order that students can observe these requirements.

~~(13)~~ A program shall meet the following requirements for its instructional personnel:

~~(A)~~ At least one half of the program's instructional personnel shall hold a professional degree in landscape architecture.

~~(B)~~ At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects.

(b) To apply for Board approval, six months prior to the date of anticipated site visit date required in subdivision (c), the program shall apply for Board approval by submitting a self-evaluation report that shall detail the program's compliance with this section.

(c) A one-day site visit team, comprised of one member of the Landscape Architects Technical Committee, one faculty member from a California school accredited by the Landscape Architectural Accreditation Board (LAAB), and one licensed landscape architect, shall complete an inspection or review of the education program prior to granting Board approval or renewal of approval. Site visits may include meetings with the educational institution administrator, the educational program director and faculty, and educational program students and alumni.

[Alternative (c): A Board designee(s), who shall not be personally affiliated with the educational program, shall complete an inspection or review of the educational program prior to granting Board approval or renewal of approval. The Board designee(s) may include one member of the Landscape Architects Technical Committee (Committee) and one faculty member from a California school accredited by the Landscape Architectural Accreditation Board (LAAB). If both a Committee member and an LAAB school faculty member perform the site inspection or review, the Committee member shall not be personally affiliated with the LAAB school that employs the faculty member. Site visits may include meetings with the educational institutional administrator, the educational program director and faculty, and educational program students and alumni.]

(d) The Board's designee(s) shall review the educational program's self-evaluation report and site inspection and submit to the Committee a written report, which shall contain findings as to

whether the educational program's application, supporting documentation, and site inspection comply with approval requirements, and make a recommendation regarding approval.

(e) The Committee shall review the application of the educational program for approval at a public meeting and may:

(1) Recommend to the Board approval of the educational program;

(2) Request additional information from the educational program; and

(3) Recommend provisional approval by stating the reasons of non-conformance to be addressed by the educational program within a specified time frame.

(f) Upon recommendation by the Committee of approval of the educational program, the Board shall review the Committee's recommendation and educational program application at a public meeting. The Board shall consider the application, written report, and recommendation regarding approval, and may take one of the following actions:

(1) "Approval" is granted when all requirements are met, or when one or more requirements are met with recommendation and continued overall program quality and conformance to requirements are judged likely to be maintained.

(2) "Provisional approval" is granted when one or more requirements are met with recommendation, and the cited deficiencies are such that continued overall program quality or conformance to requirements is uncertain. Provisional approval may be granted up to two years to permit the program time to correct those deficiencies identified. This status shall not be granted more than twice without an intervening period of approval. A provisional approval to operate shall expire at the end of its stated period, and the request for approval shall be deemed denied, unless the deficiencies are corrected prior to its expiration and an approval to operate has been granted before that date, or the provisional approval to operate has been extended for a period not to exceed 24 months if the Board is satisfied that the program has made a good faith effort and has the ability to correct the deficiencies. Provisional status is not deemed to be an adverse action and is not subject to appeal.

(3) "Denial" results when one or more requirements are not met. This determination is subject to appeal.

(g) Programs shall be notified in writing by the Board of any actions taken regarding their application.

(h) The Board approval period of any educational program shall be for a term of six years, unless otherwise specified pursuant to subdivision (f)(2).

(i) To renew Board approval, six months prior to the date of expiration of the Board approval, the educational program shall apply for approval renewal by submitting a self-evaluation report that shall detail the educational program's compliance with this section.

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5650, Business and Professions Code.

**DCA LEGAL COMMENTS PERTAINING TO PROPOSED AMENDMENTS TO  
CCR SECTION 2620.5**

<b>Section 2620.5</b>	<b>Comments</b>
(a)(1)	Repealed and added as new section pertaining to private postsecondary recordkeeping.
(a)(2)	“The program’s literature shall fully and accurately describe the program’s philosophy and objectives” - Unclear what this provision is intended to add and the placement is confusing. Recommend deleting this provision because it is potentially covered under subdivision (b), first sentence. Otherwise, clarify this requirement, e.g., that the program’s literature provided to students shall fully and accurately describe the program’s philosophy and objectives.
(a)(9)(I)	2/8/19 LATC Mtg, request for Curriculum Requirements.
(a)(b)	2/8/19 LATC Mtg, request for Submittal Requirements, bullets one and two.
(a)(c)	<p>2/8/19 LATC Mtg, request for Site Visit Requirements, bullets one, two, and four. Note: bullet three, “site visits should focus on confirming accuracy of information provided” in self-evaluation report is unnecessary in regulation and instruction to Board designee performing site visit.</p> <p>Unsure why a “one-day site visit” is necessary; the certificate program needs to be inspected or reviewed; the regulation does not need to specify that it must be a one day inspection because then that direction must be followed even though the inspection may not take that long.</p> <p>This list of reviewers may be difficult to justify since the “licensed landscape architect” could be the LATC member, who is affiliated with the LAAB school that may not want extension certificate programs to take away students from the LAAB school. Another option is BVNPT uses “board representative” for inspections of psych tech schools. 16 CCR 2581.</p>
(a)(e)	2/8/19 LATC Mtg, request for Submittal Requirements, bullet three.

## **Agenda Item L**

### **REVIEW AND RATIFICATION OF CONTRACT WITH CEDARS BUSINESS SERVICES, LLC FOR DEBT COLLECTION SERVICES TO COLLECT OUSTANDING ADMINISTRATIVE FINES AND COST RECOVERIES**

The Landscape Architects Technical Committee's (LATC) 2017-2018 Strategic Plan contained an objective to "Contract with collection agencies to pursue and recover unpaid citations from unlicensed individuals." Similarly, the California Architects Board's Strategic Plans included objectives to secure a contract and measure the effectiveness of the collection methods. As a result of these objectives, the Board and LATC combined efforts to contract with an agency to provide debt collection services to collect the outstanding administrative fines and cost recoveries.

Staff worked collaboratively with the Department of Consumer Affairs' Business Services Office to develop a scope of work to be performed by the debt collection agency that fits our needs. Additionally, a breakdown of the estimated administrative fines, cost recoveries, and potential litigation services were provided for bidding purposes.

A Request for Quote with an invitation to bid was sent to seven California small business debt collection vendors on the Department of General Services approved vendor list. Three vendors responded with quotes and the lowest bidder, Cedars Business Services, LLC (Cedars) was selected according to small business preference guidelines. The collection agency contract is a combined contract in which the agency will be providing debt collection services for both LATC and the Board. The contract was approved and is effective April 9, 2019 through April 8, 2022.

At today's meeting, the Committee is asked to review and ratify the contract with Cedars for debt collection services for a three-year term beginning April 9, 2019.

Attachment:

Executed Debt Collection Agency Contract with Cedars Business Services, LLC

STD213 (Rev. 10/2018)

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

Department of Consumer Affairs, California Architects Board and Landscape Architects Technical Committee

CONTRACTOR NAME

Cedars Business Services LLC

2. The term of this Agreement is:

START DATE

March 15, 2019, or upon approval, whichever is later

THROUGH END DATE

March 14, 2022

3. The maximum amount of this Agreement is:

\$54,104.00 (fifty-four thousand one hundred four dollars and zero cents)

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

EXHIBITS	TITLE	PAGES
Exhibit A	Scope of Work	11
ExhibitB	Budget Detail and Payment Provisions	4
ExhibitC*	General Terms and Conditions (GTC 04/2017)	*
Exhibit D	Special Terms and Conditions	1
ExhibitE	Additional Terms and Conditions	3

*Items shown with an asterisk(\*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at [www.dgs.ca.gov/ols/resources/standardcontradlanguage.aspx](http://www.dgs.ca.gov/ols/resources/standardcontradlanguage.aspx)*

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

**CONTRACTOR**

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

Cedars Business Services LLC

CONTRACTOR BUSINESS ADDRESS  
 5230 Las Virgenes Road, Suite 210

CITY	STATE	ZIP
Calabasas	CA	91302

PRINTED NAME OF PERSON SIGNING

TITLE

CONTRACTOR AUTHORIZED SIGNATURE

DATE SIGNED

**STATE OF CALIFORNIA**

CONTRACTING AGENCY NAME

Department of Consumer Affairs, California Architects Board and Landscape Architects Technical Committee

CONTRACTING AGENCY ADDRESS  
 1625 N. Market Blvd., Suite 5-103

CITY	STATE	ZIP
Sacramento	CA	95834

PRINTED NAME OF PERSON SIGNING

Steve Del Rio

TITLE

Procurement and Contracting Officer

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED

AGREEMENT NUMBER

PURCHASING AUTHORITY NUMBER (if applicable)

00000000000000000000035495

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION, IF APPLICABLE

!

## EXHIBIT A

### SCOPE OF WORK

#### 1. CONTRACTED PARTIES:

- A. Cedars Business Services LLC, hereafter referred to as Contractor, agrees to provide Debt Collection Services (as defined in Section 6) to the Department of Consumer Affairs (DCA), California Architects Board (CAB) and Landscape Architects Technical Committee (LATC), pursuant to the terms and conditions of the Agreement.

#### 2. SERVICE LOCATIONS:

- A. The services shall be performed at Contractor's location at 5230 Las Virgenes Road, Suite 210, Calabasas, CA 91302.

#### 3. SERVICE HOURS:

- A. The services shall be provided on an "as needed-basis", when requested by CAB and/or LATC. The contractor shall provide toll-free communication and assistance to CAB and/or LATC during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. Pacific Standard Time, excluding State and Federal Holidays.

#### 4. PROJECT COORDINATORS:

- A. The project coordinators during the term of this Agreement shall be:

Department of Consumer Affairs

California Architects Board

Attn: Alicia Hegje

Address: 2420 Del Paso Rd., Ste 105  
Sacramento, CA 95834

Phone: (916) 575-7216

Fax: (916) 575-7283

Email: alicia.hegje@dca.ca.gov

Cedars Business Services, LLC

Name: Dell Holden

Address: 5230 Las Virgenes Rd., Ste. 210  
Calabasas, CA 91302

Phone: (818) 936-6257

Fax: (818) 224-3939

Email: dholden@cedarfinancial.com

Department of Consumer Affairs

Landscape Architects Technical Committee

Attn.: Stacy Townsend

Address: 2420 Del Paso Rd., Ste 105  
Sacramento, CA 95834

Phone: (916) 575-7235

Fax: (916) 575-7283

Email: stacy.townsend@dca.ca.gov



Direct all agreement inquiries to:

Department of Consumer Affairs  
Contracts Unit

Cedars Business Services, LLC

Attn.: Rebecca Mark  
Address: 1625 N. Market St., S-103  
Sacramento, CA 95834  
Phone: (916) 574-7287  
Fax: (916) 574-8658  
Email: rebecca.mark@dca.ca.gov

Attn.: Dell Holden  
Address: 5230 Las Virgenes Rd., Ste. 210  
Calabasas, CA 91302  
Phone: (818) 936-6257  
Fax: (818) 224-3939  
Email: dholden@cedarfinancial.com

Either party may make changes to the contact names or information above by giving written notice to the other party. Said changes shall not require an amendment to this Agreement.

**5. SUMMARY OF WORK TO PERFORMED:**

- A. CAB and LATC have an estimated projection of \$220,000.00 and \$30,300.00 in outstanding fines and cost recovery, respectively. Contractor shall collect the outstanding fines and cost recovery in a timely manner and file legal actions to collect outstanding fines when attachable assets have been identified.
- B. Contractor shall provide services as outlined in this Agreement. Contractor shall be responsible to fulfill the requirements of the Agreement and shall incur expenses at its own risk and invest time and capital to fulfill the obligations as contained herein.

**6. CONTRACTOR RESPONSIBILITIES:**

- A. The Contractor shall provide debt collection services as described below:
  - 1. Perform skip-tracing abilities at the state level;
  - 2. Possess credit report accounts nationwide;
  - 3. File legal action on accounts;
  - 4. Possess a valid California business license;
  - 5. Maintain a principal office (headquarters) in California;
  - 6. Report to CAB/LATC any disciplinary actions taken against them by any state agencies or government entities; and
  - 7. Maintain current certificates of insurance covering professional liability and worker's compensation. Upon request from CAB and/or LATC, the Contractor shall provide certificates of coverage.

- B. Within fourteen (14) business days after the fully executed Agreement is distributed to the Contractor, Contractor shall provide CAB and LATC a list identifying the names and classifications of all collection agents (including which agents are assigned to each account) who are providing services under this Agreement.
  - 1. This list shall also indicate whether the collection agent is employed in a full-time or part-time capacity. A part-time agent is recognized as an employee who works less than forty (40) hours per week.
  - 2. The Contractor shall notify CAB and/or LATC of any changes to the assigned personnel within ten (10) business days of a change in assignment.
- C. Contractor shall perform services in accordance with all applicable state and federal laws which include, but are not limited to: Fair Credit Billing Act; Federal Equal Credit Opportunity Act; and Regulation B, as amended, of the Consumer Credit Protection Act.
- D. Contractor shall provide full service collection to include, but not be limited to, written correspondence and telephonic means of collection.
- E. Contractor shall provide fully computerized office services, not merely an account card service which shall include:
  - 1. Reporting to credit bureaus electronically;
  - 2. Using an automated direct dialersystem;
  - 3. Storage of all documents on a computer;
  - 4. Backing up data to a secure server; and
  - 5. Working directly from the computerized system.
- F. In collaboration with CAB and LATC, Contractor shall establish a secure, timely, and efficient transfer of account information. Any electronic exchange of information shall be via an approved method mutually agreed upon by the DCA and the Contractor.
- G. Contractor shall maintain a database accessible to CAB and LATC with real-time information and data regarding collection accounts.
  - 1. The database shall be formatted in such a manner that the screens are printable and the data is exportable.
  - 2. The Contractor shall notify CAB or LATC of any changes to IT accessibility and/or compatibility within ten (10) business days.
- H. Contractor shall not release personal information and shall safeguard the information from disclosure. The Contractor is liable and shall be held accountable by CAB and LATC for inappropriate use or disclosure of personal information.
- I. The Contractor shall implement the following debt collection processes when providing services under this Agreement:

1. Collection Process:

- a. After the initial telephone contact or attempt, the account is transferred to a collector with an automatically generated credit report, based upon pre-determined account criteria. Reports may be hard copy and/or electronically transferred to the collector.
  - i. Credit reports shall be generated based on CAB's and LATC's criteria and account balances preset and delivered to the collection agent, upon receipt of the assigned account.
- b. Collectors shall make contact attempts approximately every three (3) business days until contact is made. If no contact is made, skip-tracing begins. If no phone number is available (within CAB's or LATC's media/data), skip-tracing begins immediately after assignment in order to contact the debtor.
- c. Credit reports are reviewed and utilized for additional employment contacts, recent creditor inquiries, repayment ability, and assets. Additionally, databases, including real property ownership, criss-cross phone and address directories, corporate status, Fictitious Business Filings, Board of Equalization (BOE), DCA, Uniform Commercial Code (UCC) Filing, General and Limited Partnerships, and marriage/divorce records, are queried for debtor's information.
- d. When contact is made, the Contractor shall request that the debtor make a payment towards the full balance. If the debtor is unable to pay the amount owed, all demographics and financial history are updated to determine ability to pay.
- e. When assets, account balance and jurisdiction support legal action, the account is considered and reviewed for legal action by the Contractor's management staff, who then forwards the request to CAB or LATC for written approval.

2. Skip-Tracing Process:

- a. The Contractor shall perform skip-tracing, employment and income verification, and property search services. The Contractor's services shall include, but are not limited to, the following:
  - i. The Contractor shall utilize standard tools, such as credit reports from all three (3) major credit bureaus (Equifax, Experian, and Trans-Union), criss-cross books, reconciling information from cable companies, and other entities, as well as matching it to the Contractor's debtor account database.
  - ii. The Contractor shall have and retain records which include information on debtors' property ownership, marriages, divorces, probates, name changes, and criminal indexes.
  - iii. The Contractor shall update current database(s) quarterly. Updated information shall include the following:

- A. Real Estate by Situs & Alpha for specific states;
- B. UCC Filings;
- C. Fictitious files;
- D. Criss-Cross phone and address for the continental United States;
- E. Corporate Status; and
- F. BOE

3. Cancellations:

- a. After extensive collection activities and all skip-tracing efforts have been exhausted, the account will be given a final management review by the Contractor. The Contractor's management staff will review all accounts, in order to verify that every effort has been made and the debtor has no assets to justify a lawsuit. The Contractor's management staff may return the account to the Contractor's collection staff after the instructive management review where the collector will continue to perform additional specific work, if necessary.
- b. The Contractor shall immediately cease efforts on recalled accounts, upon request of CAB or LATC. The Contractor shall cancel and pull the account from the collection process and submit a "Client Cancellation Acknowledgement Report" electronically to CAB or LATC.
- c. The Contractor shall continue to skip-trace inactive accounts monthly in order to re-establish contact or locate assets. The Contractor shall possess computer systems adequate for the storage and retrieval of all accounts (both active and inactive).
- d. At the time of closure, the Contractor shall return all debt collection files to CAB or LATC, unless otherwise instructed by CAB or LATC, and remove the delinquent account from national credit reporting. Once a debtor's account has been cancelled, CAB or LATC may choose, after review, to re-activate and continue collection efforts.

4. Procedures and Timelines Used to Process Claims:

- a. Once CAB or LATC has made its referrals and supplied the necessary account information to the Contractor, excluding the debtor's social security number (SSN), the Contractor shall use its federally mandated first notice, which shall be sent to each debtor. Media/data format from CAB or LATC may be hard copy or electronic download. An initial telephone call and/or telephone contact shall be made for each delinquent account as a first attempt for a possible quick resolution. Between one (1) to five (5) calendar days after CAB or LATC has made its referral, each referred account shall have a minimum of one (1) notice and one (1) telephone call contact or attempted contact.

5. Outline of Account Treatment Process:

a. Day 1:

- i. CAB's and/or LATC's account assignment information is electronically transferred to the Contractor. Accounts are then assigned to collectors based upon the following criteria:
  - A. Accounts with balances under five-hundred dollars and no cents (\$500.00) are assigned to small claims collectors, whereas accounts with balances of five-hundred dollars and no cents (\$500.00) or over shall be assigned to larger claim collectors.
  - B. Notice of Assignment is mailed.
  - C. First telephone contact is attempted.
  - D. Reports are made to nationwide Credit Reporting Agencies (which include, but are not limited to, Equifax, Experian, and Trans-Union).
  - E. In the event the account is assigned and immediately determined to be a "Skip Account" (as defined by an account where mail has been returned and/or there is no valid telephone number), the skip-tracing process shall immediately begin. The skip-tracing shall be performed by the Contractor's skip-tracing department, where the department shall locate and research valid information pertaining to each account/claim. Once the skip-tracing department has successfully located the necessary information, the department shall forward the account to the assigned collection agent.

b. Days 2 through 5:

- i. Searches are performed on all new assignments for possible matches based on the debtor's name, and other criteria to locate any other accounts against CAB or LATC. Positive matches are then packed together, in order to work on the accounts simultaneously.
- ii. All "Can Be Reached" (CaR) telephone numbers are dialed to locate or establish contact for the delinquent account.
- iii. In the event an account's CBR number is busy, all busy lines will be redialed within five (5) to fifteen (15) minutes.

c. Days 6 through 13:

- i. All CBR numbers are dialed or retried, if prior payment arrangements were not established or if no contact has been made. A stronger second demand letter from the Contractor shall be sent (via regular U.S. mail) by the thirteenth (13th) day, in order to motivate payment from each debtor. All valid CBR numbers are redialed at least two (2) times per week for maximum effect.

d. Days 14 through 30

- i. At least one-third (1/3) of all accounts/claims assigned to the Contractor's collectors shall be randomly reviewed by their supervisors every seven (7) to eight (8) days to ensure quality, performance expectations, and account resolution in as short of a time frame as possible. In the event there is no contact within fourteen (14) calendar days, the skip-tracing process will begin.
  - ii. In addition, the Contractor shall review and utilize credit reports (based on predetermined value systems) for additional information, in order to assist the collector in making direct contact with the debtor (additional information includes, but is not limited to, banking relationships, recent creditor inquiries, employers, spouses, and location of real and personal property and assets). Furthermore, the Contractor shall utilize databases to search for additional valuable personal and business information, which includes but is not limited to, criss-cross phone and address directories, corporate status, Fictitious Business Filings, BOE, DCA, UCC Filings, General and Limited Partnerships, California real estate property ownership, and marriage/divorce records.
- e. Days 31 or More
- i. The Contractor shall redial all previously established valid telephone numbers for delinquent accounts on a weekly basis. Letters are mailed out, in order to determine the feasibility of instituting legal action. In the event a debtor makes a commitment to make payment on the delinquent account and the debtor does not fulfill his/her commitment, the Contractor shall conduct a follow-up call on the date in which payment by the debtor was required. The Contractor shall report all unpaid accounts to Credit Reporting Agencies (including, but not limited to, Equifax, Experian, and Trans-Union) ninety (90) days after the date of assignment.
  - f. When assets, account balance, and jurisdiction support legal action, the account is considered and reviewed for legal action by the Contractor's management staff, who then forwards the request to CAB or LATC for written approval.

J. Required Reports:

1. Contractor shall provide reports that capture information as described below and combine all accounts into one (1) cumulative list. Reports shall not include debtors' SSN.
  - a. Monthly Activity Report: The Contractor shall provide monthly activity reports to CAB and LATC. The monthly activity report shall provide information including, but not limited to, an account's assignment date, balance, date last worked, geography, area code, time zone, and a variety of other additional information (as requested by CAB and/or LATC).
  - b. Performance Statistics: Upon CAB's or LATC's request, the Contractor shall submit monthly Performance Statistics, which capture information on account summaries by age and statistical overview by status codes, etc.  
Acknowledgement Report: Upon CAB's and/or LATC's request, the

Contractor shall confirm (in writing) all accounts/claims referred by CAB or LATC where an account number has been assigned. The Acknowledgement Report shall include the debtor's name, date assigned, Contractor's account number, total dollars, and number of accounts assigned for the six (6) month write-off period.

- c. Inventory Listing: Upon CAB's or LATC's request, the Contractor shall furnish an inventory listing to CAB and/or LATC. The Contractor shall submit the listing either monthly or quarterly (as required by CAB and/or LATC), which captures information including debtor's name, account number, assigned amount, payments to date, outstanding balance, and the Contractor's recovery statistics.
- d. Cancellation Report: The Contractor shall submit monthly, to CAB and LATC, a Cancellation Report containing an itemization and summary of all accounts returned to CAB and/or LATC. The Cancellation Report shall include the account number, debtor's name, balance owing, and reason(s) for cancellation.
- e. History Report: Upon CAB's or LATC's request, the Contractor shall provide History Reports to CAB or LATC, which are cumulative reports reflecting the amount of dollars collected during the current statement period against the month in which they were assigned.
- f. Dispute-Resolution Report: The Contractor shall notify CAB or LATC, in the event a debtor disputes all or part of the outstanding fine or cost recovery. The disputed accounts will remain suspended until additional information is obtained relative to the dispute and instructions are given by CAB or LATC to proceed, cancel, etc.

K. Legal Action:

- 1. In order to file legal actions to collect outstanding fines and cost recovery, the Contractor shall utilize the following services within and/or associated with their organization:
  - a. The Contractor shall obtain prior written approval from CAB or LATC, on an account-by-account basis, for all lawsuits, where CAB or LATC shall have the final authority and confirm each final bill. This Agreement does not obligate CAB or LATC to use Contractor's services for legal actions; nothing in this Agreement precludes CAB or LATC from utilizing the services of state employees for legal actions.
  - b. In order to initiate legal action against an account, the Contractor shall confirm, verify, and secure one (1) or more of the following:
    - i. For Companies:
      - A. Bank Accounts;
      - B. Accounts Receivables;

- C. Deposits on Leases;
  - D. Real Estate;
  - E. Rolling Stock;
  - F. Work in Process;
  - G. Certificates of Deposits; and/or
  - H. Prepaid Deposits.
- ii. For Individuals
- A. Stable Employment;
  - B. Income;
  - C. Bank Balances;
  - D. Homeownership;
  - E. Self-employed with attachable assets; and/or
  - F. Other- verified and leviabale assets.
- iii. The Contractor shall provide CAB and LATC with access to their attorney when filing legal actions against delinquent accounts. The Contractor warrants and guarantees that their attorneys (who will be providing services in connection to this Agreement) shall have the following minimum qualifications:
- A. Sufficient knowledge of debt collection laws in each state where he or she practices;
  - B. Is capable of handling the Contractor's collection account volume efficiently;
  - C. Is skilled in computer programs in order to maintain and update correspondence between the Contractor and the attorney;
  - D. Is experienced in preparing, presenting, and being successful in debt collection trial appearances;
  - E. Stays abreast of current account information and actions three (3) times per week; and
  - F. Is licensed by the California Bar Association with no disciplinary action by the Bar Association or other regulatory/law enforcement agency.



- L. The Contractor shall:
1. Not charge CAB or LATC for services rendered, until the outstanding fine or cost recovery is collected, whether partially or completely;
  2. Not settle any account without CAB's or LATC's written authorization;
  3. Bear all costs for court and legal fees;
  4. Not forward accounts to another collection agency for collection without written permission from CAB or LATC;
  5. Not compromise settlements on claims, which have been assigned to the Contractor, without the written authorization from CAB or LATC; and
  6. Not make any false or misleading statements or use threatening language that violates the law.
  7. Employ all lawful methods to collect the outstanding fines and cost recovery, accept payments received from debtors, and forward debtors' payments to CAB or LATC, as required.
- M. The Contractor and its subcontractors shall procure and keep in full force and effect during the term of this Agreement all permits, registrations and licenses necessary to accomplish the work specified in this Agreement, and shall give all notices necessary and incident to the lawful prosecution of the work. The Contractor shall provide proof of any such license(s), permit(s), and certificate(s) upon request by CAB or LATC.
- N. The Contractor shall provide services as outlined in this Agreement. The Contractor shall be responsible to fulfill the requirements of the Agreement and shall incur expenses at its own risk and invest a sufficient amount of time and capital to fulfill the obligations as contained herein.
- O. The Contractor and any subcontractors shall keep informed of, observe, comply with, and cause all of its agents and employees to observe and comply with all prevailing Federal, State, and local laws, rules, and regulations which in any way affect the conduct of the work of this Agreement. If any conflict arises between provisions of the plans and specifications and any such law above referred to, then the Contractor shall immediately notify CAB and LATC in writing.
- P. CAB or LATC may terminate the Agreement pursuant to section 7 of Exhibit C if the Contractor or its subcontractors fails to comply with a federal, state or local law and the noncompliance, based on the facts and circumstances, would constitute a material breach of this Agreement under California law.
- Q. At or prior to the termination or expiration of this contract, the Contractor shall provide to CAB and LATC all current data and/or debtor account activity reports, certifying to the accuracy and completeness of the material supplied. CAB and LATC shall retain the authority to designate the manner and method by which the data and material shall be transferred.

- R. The Contractor shall confer with CAB and LATC on a time for the transfer of the data, prior to the expiration of the contract, to enable any successor Contractor to be fully operational on or before the expiration of the contract.
- S. All records, reports, papers, tabulations, or other documents pertaining to CAB and LATC debt collection services in this agreement and any contract pursuant to this agreement are and shall remain the property of the State. This applies, but is not limited to, all account records and documents presented to the Contractor at the beginning of the contract term, and all those records and documents (complete or incomplete) obtained, maintained, and/or developed by the Contractor during the contract term.

## 7. CAB AND LATC RESPONSIBILITIES

### A. CAB and LATC shall:

1. Write authorizations for settlements on claims.
2. Provide written approval for legal action when assets, account balance and jurisdiction support legal action and the account is considered and reviewed for legal action by the Contractor.
3. Provide the Contractor with a list of outstanding fine and cost recovery accounts.
4. Provide referrals and supply the necessary account information to the Contractor **(excluding SSN)**.
5. Notify the Contractor if cease effort is needed on accounts that are recalled.
6. Notify Contractor to reactivate and continue collection efforts.
7. Request inventory listing, cancellation reports, history reports and dispute-resolution reports.

### B. Rights of CAB and LATC to Perform Quality Assurance and Financial Audits/Reviews

1. CAB and LATC may routinely evaluate the work performance of the Contractor, Contractor's personnel, subcontractors, or other parties associated with the Contractor to determine if CAB's and LATC's standards and departmental policies and procedures are being maintained. If it is found that any party fails to perform or is physically or mentally incapable of providing services as required by the Agreement, then that party shall not perform services for CAB and LATC.
2. CAB and LATC may monitor and evaluate services provided in fulfillment of the requirements of this Agreement, as detailed in Exhibit A. Such monitoring and evaluation may occur on a regular cycle or as deemed necessary by the Contracts Manager. CAB and LATC retain sole and absolute discretion in determining any such evaluation schedule.
3. Inspections may be conducted by CAB and LATC staff at any time during the Agreement term to check on the quality of work. Payment shall not be provided for services deemed unacceptable by the Contract Manager and/or their designee.

4. CAB and LATC may audit and examine Contractor's records and accounts which pertain, directly or indirectly, to services performed under this Agreement. CAB and LATC may hire third parties to perform the audit and examination, including but not limited to, accountants, consultants, or service providers in the applicable field. Contractor shall cooperate fully with the audits and examinations.
5. If, as a result of an audit and examination, CAB or LATC is informed of underpayments or overpayments, CAB or LATC shall notify Contractor of the need for payment or reimbursement. Upon receipt of a final audit report, Contractor has thirty (30) days to reimburse any overpayment or to dispute or challenge the report. Contractor and CAB or LATC shall confer and negotiate in good faith with respect to any disputed portion of the final audit report to reach agreement with respect to adjustments, payments, and reimbursements.
6. CAB or LATC shall submit its findings to Contractor and establish a deadline for correcting any deficiencies in fulfilling the obligations set forth in this section. Failure by the Contractor to timely correct deficiencies shall be reason for termination of services under this Agreement.

**8. AMENDMENTS:**

- A. Should additional funding or time be warranted, an amendment to the terms and conditions of the original agreement shall be completed. To be binding, amendment(s) must be in writing and signed by both parties. Certain types of contract amendments will require the Department of General Services, Office of Legal Services approval.

## **EXHIBIT B**

### **BUDGET DETAIL AND PAYMENT PROVISIONS**

#### **1. INVOICING AND PAYMENT:**

- A. Contractor shall submit all invoices not more frequently than monthly in arrears.
- B. For services satisfactorily rendered and upon receipt and approval of invoices submitted as described herein, the State agrees to compensate the Contractor based upon all funds collected in accordance with the rates specified in section 5, Budget Detail.
- C. DCA is not responsible for services performed by Contractor outside of this Agreement, nor for services performed other than as outlined in Exhibit A, Scope of Work.
- D. DCA makes no guarantee, either written or implied, as to the actual amount of funds that will be expended under this Agreement.

#### **2. INSTRUCTIONS TO CONTRACTOR:**

- A. It is required that all funds collected on behalf of CAB or LATC be directed to specific trust accounts. The funds in the trust accounts must be forwarded to CAB or LATC directly on a monthly basis by check. The Contractor cannot take their fee out of these funds and then send CAB or LATC the remaining amount. The Contractor will receive their percentage after CAB or LATC receives the collected funds and after the Contractor has provided a correct and comprehensive accounting and an invoice for their services. The Contractor will bill CAB or LATC monthly for the percentage identified in Section 5, Budget Detail below. Debtor payment will be submitted to CAB or LATC monthly at the following address:

Department of Consumer Affairs  
California Architects Board (CAB) / Landscape Architects Technical Committee (LATC)  
Attention: Alicia Hegje  
Agreement Number: 000000000000000000000035495  
P.O. Box 980518  
West Sacramento, CA 95798-0518

- B. Contractor shall type, not handwrite, each invoice on company letterhead. DCA may provide an invoice template, if requested, which may be used in lieu of company letterhead.
- C. Contractor shall clearly note Contractor's name and address on each invoice. The name on the invoice must match the Payee Data Record (Std. 204) and the name listed on this Agreement.
- D. Contractor shall list and itemize in accordance with section 5, Budget Detail, all services or deliverables provided on each invoice.
- E. Contractor shall include the following on each submitted invoice:

1. Date(s) during which the services or deliverables were provided and the date in which the invoice was generated;
2. Agreement number, which can be found on the Standard Agreement Form (Std. 213):
3. Small Business certification number, if applicable:
4. Professional license number, if applicable:
5. Invoice total; and
6. Written proof of DCA's approval as required by this Agreement for those services requiring pre-approval.

**3. BUDGET CONTINGENCY CLAUSE:**

- A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall no longer be in full force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.
- B. If funding for any Fiscal Year (FY) is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an Agreement amendment to Contractor to reflect the reduced amount.

**4. PROMPT PAYMENT CLAUSE:**

- A. Payment will be made in accordance with, and within the time specified in, Government Code section 927, et seq.

**5. BUDGET DETAIL:**

<b>California Architects Board</b>			
<b>Product Description</b>	<b>Percentage (%) on Collected Debt</b>	<b>Estimation of Outstanding Debt</b>	<b>Total</b>
A. Debt Collection Services	15%	\$220,000.00	\$33,000.00
B. Litigation Services (if applicable)	25%	\$55,000.00	\$13,750.00
<b>Landscape Architects Technical Committee</b>			
<b>Product Description</b>	<b>Percentage (%) on Collected Debt</b>	<b>Estimation of Outstanding Debt</b>	<b>Total</b>
C. Debt Collection Services	18%	\$30,300.00	\$5,454.00
D. Litigation Services (if applicable)	25%	\$7,600.00	\$1,900.00
Additional Comments: The above amounts are not a guarantee. The amounts to be collected and the amounts for litigation services may be more or less than what is listed above.			

**Total Contract Amount (A+B+C+D): \$54,104.00**

- A. DCA does not expressly or by implication agree that the actual amount of work will correspond with any estimation provided in this Agreement and reserves the right to omit portions of the estimated amount of work as may be deemed necessary or advisable by DCA. The estimates listed above are a good faith estimate and are not a guarantee of business and is subject to change depending on need. The amounts indicated above will be used solely for the purposes of encumbering funds. DCA makes no guarantee, expressed or implied for actual amount of work to be performed. However, the rates contained in Exhibit B shall be binding for the term of this Agreement.
- B. Should DCA determine, in its sole discretion, that the estimated amount of work is insufficient to meet the needs of the DCA, the parties may amend this Agreement by adding additional funds or additional time at the same rates. Any amendment shall be in writing and signed by both parties, and be approved by the Department of General Services, if such approval is required.
- C. Contractor must submit all invoices within a reasonable time but, no later than twelve (12) months from the date that services were provided. If Contractor fails to provide invoices within twelve (12) months of the date services are rendered, DCA may elect to reject the invoices for payment as untimely and Contractor will be deemed to have waived any right to payment of the late invoices.

D. Contractor shall not be reimbursed for any travel-related expenses. All travel shall be at the expense of Contractor.

**6. COST BREAKDOWN:**

A. The Contractor shall submit 100% of all collected debt to the CAB or LATC. The CAB or LATC will reimburse the Contractor according to the percentage rates listed in Section 5, Budget Detail.

<b>Multiple Fiscal Years (March 15, 2019–March 14, 2022)</b>		
<b>Fiscal Year (FY)</b>		<b>FY Total</b>
2018/2019	(March 15, 2019–June 30, 2019)	\$5,260.12
2019/2020	(July 1, 2019–June 30, 2020)	\$18,034.68
2020/2021	(July 1, 2020–June 30, 2021)	\$18,034.68
2021/2022	(July 1, 2021–March 14, 2022)	\$12,774.52
<b>Total Agreement Amount:</b>		<b>\$54,104.00</b>

## **EXHIBIT D**

### **SPECIAL TERMS AND CONDITIONS**

#### **1. LIABILITY FOR NONCONFORMING WORK:**

- A. Contractor will be fully responsible for ensuring that the completed work conforms to the agreed upon terms. If nonconformity is discovered prior to the Contractor's deadline, the Contractor will be given a reasonable opportunity to cure the nonconformity. If the nonconformity is discovered after the deadline for the completion of project, the State, in its sole discretion, may use any reasonable means to cure the nonconformity. The Contractor shall be responsible for reimbursing the State for any additional expenses incurred to cure such defects.

#### **2. SETTLEMENT OF DISPUTES:**

- A. In the event of a dispute, Contractor shall file a "Notice of Dispute" with Department of Consumer Affairs, Director or his/her designee within ten (10) days of discovery of the problem. Within ten (10) days, the Director or his/her designee shall meet with the Contractor and Project Manager for purposes of resolving the dispute. The decision of the Director or his/her designee shall be final.
- B. In the event of a dispute, the language contained within this agreement shall prevail over any other language including that of the bid proposal.

#### **3. AGENCY LIABILITY:**

- A. The Contractor warrants by execution of this Agreement, that no person or selling agency has been employed or retained to solicit or secure this Agreement upon agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the State shall, in addition to other remedies provided by law, have the right to annul this Agreement without liability, paying only for the value of the work actually performed, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

#### **4. IMPRACTICABILITY OF PERFORMANCE:**

- A. This Contract may be suspended or cancelled, without notice at the option of the Contractor, if the Contractor's or State's premises or equipment is destroyed by fire or other catastrophe, or so substantially damaged that it is impractical to continue service, or in the event the Contractor is unable to render service as a result of any action by any governmental authority.

#### **5. LICENSES AND PERMITS:**

- A. The Contractor shall be an individual or firm licensed to do business in California and shall obtain at his/her expense all license(s) and permit(s) required by law for accomplishing any work required in connection with this Agreement.



- B. In the event the Contractor fails to keep in effect at all times all required license(s) and permit(s), the State may, in addition to other remedies it may have, terminate this Contract upon occurrence of such event.

## **EXHIBIT E**

### **ADDITIONAL TERMS AND CONDITIONS**

#### **1. RIGHT TO TERMINATE:**

- A. Unless otherwise specified, this Agreement may be canceled at any time by DCA, in writing, with thirty (30) days advance notice. If canceled, payment shall be made only for the provision of services expressly authorized by this Agreement until the date of cancellation and only at the rates set forth in Exhibit B, Budget Detail. In the case of early termination, a final payment will be made to Contractor upon receipt of an invoice covering all authorized costs, at the rates set forth in Exhibit B, incurred prior to the date of cancellation or termination. DCA shall not be responsible for unamortized costs, overhead or capital costs or any other related costs, including but, not limited to costs incurred in connection with the cancellation of leases or contracts pertaining to facilities, equipment or supplies, labor and employee benefits costs, and expenditures incurred after the date of notice of cancellation.
- B. If DCA determines that the Contractor has breached a material term of the Agreement and has not cured the breach or ended the violation within the time specified by DCA, DCA may terminate the contract by providing notice to the Contractor.

#### **2. LIABILITY FOR LOSS AND DAMAGES:**

- A. Any damages by the Contractor, their personnel, subcontractors, and other service providers through this Agreement to the State's facility, including equipment, furniture, materials or other State property shall be repaired or replaced by the Contractor to the satisfaction of the State at Contractor's expense. The State may, at its option, repair any such damage and deduct the cost thereof from any sum due Contractor under this Agreement.

#### **3. CONFIDENTIALITY OF DATA:**

- A. No reports, information, inventions, improvements, discoveries, or data obtained, repaired, assembled, or developed by the Contractor pursuant to this Agreement shall be released, published, or made available to any person (except to the State) without prior written approval from the State.
- B. The contractor by acceptance of this Agreement is subject to all of the requirements of California Civil Code Sections 1798, et seq., regarding the collections, maintenance, and disclosure of personal and confidential information about individuals.

#### **4. POTENTIAL SUBCONTRACTORS:**

- A. Nothing contained in this Agreement or otherwise shall create any contractual relation between the State and any subcontractors, and no subcontract shall relieve the Contractor of its responsibilities and obligations hereunder. The Contractor agrees to be as fully responsible to the State for the acts and omissions of its

subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Contractor. The Contractor's obligation to pay its subcontractors is an independent obligation from the State's obligation to make payments to the Contractor. As a result, the State shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.

**5. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE):**

- A. In the event the Contract is amended to increase the amount, the Contractor shall be required to comply with the State's DVBE participation requirements for the amended amount.

**6. RULES/REGULATIONS:**

- A. The Contractor shall observe and comply with all Federal, State, City, and County laws, rules or regulations affecting the work. Any work done that does not comply with any laws, rules, or regulations will be remedied at the Contractor's expense.

**7. INFORMATION SECURITY:**

- A. Information security is defined as the preservation of the confidentiality, integrity, availability, authenticity and utility of information. The Contractor will provide a level of security and information integrity that complies with requirements of state or federal laws.

**8. AUTHENTICATION REQUIREMENTS:**

- A. The Contractor must affirmatively authenticate CAB and LATC users prior to allowing user access to Contractor data. Authentication credentials and subsequent data communications must be encrypted using methods in conformance with the Federal Information Processing Standards (FIPS 140-2). The Contractor will protect the CAB and LATC user credentials at all times and, if compromised the Contractor will notify the CAB and LATC within 24 hours.

**9. INCIDENT REPORTING:**

- A. All unauthorized or suspected unauthorized access; uses and/or disclosures (incidents) involving CAB and LATC data will be reported to the CAB and LATC immediately upon discovery of the incident. The incident report will contain the following: date, time, employee name, description of the incident or circumstances, means of discovery, and names of all debtors involved. The CAB and LATC will make the appropriate notification to affected California Resident's pursuant to the requirements of California Civil Code 1798.29.

**10. DESTRUCTION OF RECORDS:**

- A. All records received from the CAB and LATC and any database created, copies made, or files attributed to the records received will be destroyed when they are no longer needed for the business purpose for which they were obtained. The records will be destroyed in a manner to be deemed unusable or unreadable and to the extent that an individual record can no longer be reasonably ascertained. Upon destruction of the records, the Contractor will notify the CAB and LATC of the completed destruction.

**11. LEGAL AGREEMENTS:**

- A. In accordance with Public Contract Code Section 10353.5, the Contractor shall:
1. Agree to adhere to legal cost and billing guidelines designated by the State.
  2. Adhere to litigation plans designated by the state agency.
  3. Adhere to case phasing of activities designated by the state agency.
  4. Submit and adhere to legal budgets as designated by the state agency.
  5. Maintain legal malpractice insurance in an amount not less than the amount designated by the state agency.
  6. Submit to legal bill audits and law firm audits if requested by the state agency. The audits may be conducted by employers and designees of the state agency or by any legal cost control providers retained by the state agency for purpose.
  7. Submit to a legal cost and utilization review, as determined by the state agency.

**12. PROFESSIONAL LIABILITY:**

- A. Contractor shall maintain Professional Liability insurance covering any damages caused by an error, omission, or any negligent acts. Contract shall maintain limits of not less than \$1,000,000 per claim and \$2,000,000 aggregate.

**AGREEMENT SUMMARY**

STD 215 (Rev. 08/2017)

<b>AGREEMENT NUMBER</b> 0000000000000000000000035495	<b>AMENDMENT NUMBER</b>
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 CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED

1. CONTRACTOR'S NAME Cedars Business Services LLC		2. FEDERAL I.D. NUMBER 95-4622272
3. AGENCY TRANSMITTING AGREEMENT Department of Consumer Affairs (DCA)	4. DIVISION, BUREAU, OR OTHER UNIT CAB/LATC	5. AGENCY BILLING CODE 057030/057260
6a. CONTRACT ANALYST NAME Rebecca Mark	6b. EMAIL rebecca.mark@dca.ca.gov	6c. PHONE NUMBER (916) 574-7287
7. HAS YOUR AGENCY CONTRACTED FOR THESE SERVICES BEFORE? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If Yes, enter prior Contractor Name and Agreement Number) PRIOR CONTRACTOR NAME: Fidelity Capitol Holdings PRIOR AGREEMENT NUMBER: 000000000000000000016776		

8. BRIEF DESCRIPTION OF SERVICES  
Debt collection services

9. AGREEMENT OUTLINE (Include reason for Agreement: Identify specific problem, administrative requirement, program need or other circumstances making the Agreement necessary; include special or unusual terms and conditions.)

The Contractor will collect delinquent fines and other monies owed to the CAB/LATC when attempts by the Board and Committee to recover amounts through invoices, past due invoices, and correspondence have failed. The Contractor shall provide debt collection services and, if necessary, file legal actions to collect outstanding and/or delinquent fees. A collection agency has the experience and resources to handle collection problems.

10. PAYMENT TERMS (More than one may apply)

- Monthly Flat Rate       Quarterly       One-Time Payment       Progress Payment  
 Itemized Invoice       Withhold \_\_\_\_\_ %       Advanced Payment Not To Exceed  
 Reimbursement / Revenue \_\_\_\_\_ or \_\_\_\_\_ %  
 Other (Explain) Paid monthly in arrears as a percentage of collected funds. Contractor will submit 100% of all collected debts.

11. PROJECTED EXPENDITURES

FUND TITLE	ITEM	FISCAL YEAR	CHAPTER	STATUTE	PROJECTED EXPENDITURES
Consumer Affairs	1111-001-0706	18/19	29	2018	\$5,260.12
Consumer Affairs	1111-001-0706	19/20	TBD	2019	\$18,034.68
Consumer Affairs	1111-001-0706	20/21	TBD	2020	\$18,034.68
Consumer Affairs	1111-001-0706	21/22	TBD	2021	\$12,774.52
OBJECT CODE 387				<b>AGREEMENT TOTAL</b>	<b>\$54,104.00</b>

**AGREEMENT SUMMARY**

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*OPTIONAL USE*

057030/0600/387/06000 = \$46,750.00

057260/6000/387/60000 = \$7,354.00

AMOUNT ENCUMBERED BY THIS DOCUMENT  
\$54,104.00

PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT

*I certify upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.*

TOTAL AMOUNT ENCUMBERED TO DATE  
\$54,104.00

ACCOUNTING OFFICER'S SIGNATURE



ACCOUNTING OFFICER'S NAME (Print or Type)

Paul McDermott

DATE SIGNED

4/9/19

12. AGREEMENT

AGREEMENT	TERM FROM	TERM THROUGH	TOTAL COST OF THIS TRANSACTION	BID, SOLE SOURCE, EXEMPT
Original	3/15/19	3/14/22	\$54,104.00	Exempt
Amendment 1				
Amendment 2				
<b>TOTAL</b>			\$54,104.00	

13. BIDDING METHOD USED

- Request for Proposal (RFP) (Attach justification if secondary method is used)
  Use of Master Service Agreement  
 Invitation for Bid (IFB)
  Exempt from Bidding (Give authority for exempt status)
  Sole Source Contract (Attach STD. 821)  
 Other (Explain) SCM Vol. 1 5.80 A.9

Note: Proof of advertisement in the State Contracts Register or an approved form STD. 821, Contract Advertising Exemption Request, must be attached

14. SUMMARY OF BIDS (List of bidders, bid amount and small business status) (If an amendment, sole source, or exempt, leave blank)

Cedars Business Services LLC = \$54,104; SB # 1757071

Fidelity Capitol Holdings, Inc. = \$56,011; SB #59512

States Recovery Systems, Inc = \$65,581; SB # 12148

15. IF AWARD OF AGREEMENT IS TO OTHER THAN THE LOWER BIDDER, EXPLAIN REASON(S) (If an amendment, sole source, or exempt, leave blank)

16. WHAT IS THE BASIS FOR DETERMINING THAT THE PRICE OR RATE IS REASONABLE?

An informal SB Option bid was conducted and the contract was awarded to the lowest responsible responsive SB bidder.

17a. JUSTIFICATION FOR CONTRACTING OUT (Check one)

- Contracting out is based on cost savings per Government Code 19130(a). The State Personnel Board has been so notified.
  Contracting out is justified based on Government Code 19130(b). When this box is checked, a completed JUSTIFICATION - CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 547.60 must be attached to this document.  
 Not Applicable (Interagency / Public Works / Other \_\_\_\_\_)

17b. EMPLOYEE BARGAINING UNIT NOTIFICATION

- By checking this box, I hereby certify compliance with Government Code section 19132(b)(1).

AUTHORIZED SIGNATURE



SIGNER'S NAME (Print or Type)

Rebecca A. Mark

DATE SIGNED

4-9-19

18. FOR AGREEMENTS IN EXCESS OF \$5,000: Has the letting of the agreement been reported to the Department of Fair Employment and Housing?  No  Yes  N/A

19. HAVE CONFLICT OF INTEREST ISSUES BEEN IDENTIFIED AND RESOLVED AS REQUIRED BY THE STATE CONTRACT MANUAL SECTION 7.10?  No  Yes  N/A

20. FOR CONSULTING AGREEMENTS: Did you review any contractor evaluations on file with the DGS Legal Office?  None on file  No  Yes  N/A

21. IS A SIGNED COPY OF THE FOLLOWING ON FILE AT YOUR AGENCY FOR THIS CONTRACTOR?

- A. Contractor Certification Clauses  No  Yes  N/A  
 B. STD 204 Vendor Data Record  No  Yes  N/A

22. REQUIRED RESOLUTIONS ARE ATTACHED  No  Yes  N/A

23. IS THIS A SMALL BUSINESS AND/OR A DISABLED VETERAN BUSINESS CERTIFIED BY DGS?  No  Yes

SB/DVBE Certification Number:  
1757071

**AGREEMENT SUMMARY**

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AGREEMENT NUMBER <b>00000000000000000000035495</b>	AMENDMENT NUMBER
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24. ARE DISABLED VETERANS BUSINESS ENTERPRISE GOALS REQUIRED? (If an amendment, explain changes if any)

No (Explain below)  Yes \_\_\_\_\_ % of Agreement

There are no identifiable DVBEs available. CAB/LATC will make good faith efforts to find DVBE vendors for future contracts.

25. IS THIS AGREEMENT (WITH AMENDMENTS) FOR A PERIOD OF TIME LONGER THAN THREE YEARS?

No  Yes (If Yes, provide justification below)

*I certify that all copies of the referenced Agreement will conform to the original agreement sent to the Department of General Services.*

SIGNATURE <i>Rebecca A. Mark</i>	NAME/TITLE (Print or Type) Rebecca A. Mark, Contracts Analyst	DATE SIGNED <i>4-9-19</i>
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**AGREEMENT SUMMARY**

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0000000000000000000000035495

AMENDMENT NUMBER

**JUSTIFICATION - CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 547.60**

In the space provided below, the undersigned authorized state representative documents, with specificity and detailed factual information, the reasons why the contract satisfies one or more of the conditions set forth in Government Code section 19130(b). Please specify the applicable subsection. Attach extra pages if necessary.

(3) Contractor will be required to utilize specialized skills and resources to provide debt collection service to CAB/LATC. There are no state agencies or civil service classifications with the appropriate knowledge and abilities to pursue and collect debts to the extent required by this contract.

*The undersigned represents that, based upon his or her personal knowledge, information or belief the above justification correctly reflects the reasons why the contract satisfies Government Code section 19130(b).*

SIGNATURE <i>Rebecca A. Mark</i>	NAME/TITLE( <i>Print or Type</i> ) Rebecca A. Mark, Contracts Analyst	DATE SIGNED <i>4-9-19</i>
PHONE NUMBER (916) 574-7287	STREET ADDRESS 1625 N. Market Blvd, Suite S-103	
EMAIL rebecca.mark@dca.ca.gov	CITY Sacramento	STATE ZIP CA 95834



## Agenda Item M

### REVIEW OF FUTURE LATC MEETING DATES

#### May

29	LATC Meeting	Campbell
27	<i>Memorial Day</i>	<i>Office Closed</i>

#### June

6-8	American Institute of Architects Conference on Architecture 2019	Las Vegas, NV
12	Board Meeting	San Luis Obispo
20-22	National Council of Architectural Registration Boards Centennial Annual Business Meeting	Washington, DC

#### July

4	<i>Independence Day</i>	<i>Office Closed</i>
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#### August

1	Regulatory and Enforcement Committee Meeting	Sacramento
13	LATC Meeting	Chula Vista

#### September

2	<i>Labor Day</i>	<i>Office Closed</i>
11	Board Meeting	TBD
26-28	Council of Landscape Architectural Registration Boards Annual Meeting	St. Louis, MO

#### November

8	LATC Meeting	Sacramento
11	<i>Veterans Day</i>	<i>Office Closed</i>
15-18	American Society of Landscape Architects Conference on Landscape Architecture	San Diego
28-29	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>

#### December

11	Board Meeting	Sacramento
25	<i>Christmas Day</i>	<i>Office Closed</i>

## **Agenda Item N**

### **ADJOURNMENT**

Time: \_\_\_\_\_