

NATIVE PLANT LANDSCAPES FOR CLIMATE RESILIENCE AND EQUITABLE EMPLOYMENT ORDINANCE

Section 1. Purpose

The aim of this model legislation is to promote environmental sustainability, workforce development, and equitable access to green jobs. It aligns with the Safe, Clean Water Program's mandate to fund local job training, making it a tool for advancing climate resilience and economic opportunity. By supporting proper management of Native Plant landscapes, the act helps restore ecosystems while creating sustainable career pathways in green infrastructure.

Existing programs, such as the Los Angeles Department of Water & Power's "California Friendly" landscaping, offer general guidance on sustainable practices but do not meet the requirements or intent of this legislation. "California Friendly" includes non-native species and focuses on private property landscaping, and therefore is not considered compliant with the standards set forth in this act.

Specifically, this act will:

- A. Require Public Entities to use Accredited Native Plant Landscapers to care for Native Plant landscapes on public lands to ensure proper ecological care and sustainability.
- B. Incentivize Vendors to offer gainful employment to employment-challenged people, such as unhoused and formerly incarcerated individuals.
- C. Build a pathway for gainful employment in the field of Native Plant care, which is a growing field of employment with low barriers to self-employment and business building.
- D. Promote the use of California Native Plants in public spaces to support biodiversity, improve climate resilience, and reduce wildfire risks through proper maintenance practices by trained professionals.
- E. Ensure long-term sustainability of Native Plant landscapes by requiring best practices in landscape management and reducing reliance on conventional landscaping methods that may harm native ecosystems.
- F. Leverage funding from the Los Angeles County Safe, Clean Water Program (Measure W) to support local workforce job training and certification programs that prepare individuals for careers designing, maintaining, or managing nature-based solutions for stormwater, urban runoff, and multi-benefit projects that prioritize native species.

G. Leverage funding from the Los Angeles County Homeless Initiative (Measure A) to support greater access to employment opportunities for unhoused populations, in an effort to help people currently experiencing homelessness find permanent solutions.

Section 2. Definitions

As used in this article, the following terms mean:

A. “Native Plant” means plants (including trees, bushes, shrubs, flowers, cactuses, perennials, etc.) that are endemic to, or historically naturally occurring in, a given geographic area prior to European settlement in the late 15th and 16th centuries.

B. “Accredited Native Plant Landscaper” means an individual who has received formal training and certification in sustainable landscaping practices, with a focus on California Native Plants, ecological restoration, and water-wise gardening.

C. “Disadvantaged Workers” means individuals who face systemic barriers to employment due to social, economic, or historical factors, such as formerly incarcerated or unhoused people.

D. “Safe, Clean Water Program” or “Measure W” means the Los Angeles County initiative, codified at Los Angeles Flood Control District Code, Chapters 16 and 18, to enhance local water quality, increase water supply, and protect public health by capturing local stormwater and urban runoff.

E. “Vendors” means any individuals, businesses, organizations, or entities, including independent contractors, that are contracted, retained, or otherwise engaged by a Public Entity to provide landscaping services, including but not limited to design, installation, maintenance, or consultation related to landscape development or management.

F. “Public Entity” means federal, state, or local governments and agencies, corporations, or authorities owned, operated, or significantly controlled by them, including public institutions (such as public universities).

Section 3. Implementation

This legislation uses a contract prioritization and point system designed to award contracts to competitive bidders for the purpose of addressing systemic social and environmental issues. In all procurements subject to this legislation, subsequent regulations shall provide

significant Vendor incentives in the point system to promote workforce development and environmental stewardship.

A. To qualify for prioritization under this act, a Vendor must:

1. Employ Accredited Native Plant Landscapers, with certification from a state-recognized organization or an equivalently accredited institution in native plant landscaping.

2. Ensure certifications are:

a. Specific to the ecological and environmental conditions of the region in which the landscapers operate.

b. Reflect industry-standard maintenance practices, and not practices limited to the upkeep of recreational or residential gardens.

B. The act mandates that a contract prioritization schedule and point system give weight to the following criteria:

1. Vendors who actively sponsor external workforce development programs (such as partnerships with accredited training providers or community initiatives) that lead to Native Plant landscaping certification, or who demonstrate innovation in sustainable landscaping practices, shall receive additional points.

2. Vendors who currently employ Disadvantaged Workers and/or Accredited Native Plant Landscapers shall receive additional points proportional to the percentage of each category of workers employed.

3. Vendors who currently employ Disadvantaged Workers and provide documented support for their attainment of Native Plant landscaping certification shall receive additional points.

4. Vendors who designate a specified percentage of total work hours to Disadvantaged Workers shall receive additional points.

Section 4. Native Plant Landscaping Requirements [Optional]

A. All new landscaping projects on land owned or maintained by a Public Entity shall incorporate Native Plant species.

B. All new landscaping projects shall be installed and maintained by Accredited Native Plant Landscapers. Accreditation may include certification through programs

administered by the Theodore Payne Foundation, the California Native Plant Society, or any other equivalent certification entity recognized by the State of California.

C. All government employment opportunities or requests for proposals for landscaping services shall include explicit requirements that, when Native Plant landscaping is part of the scope of the work, all installation and maintenance be performed by Accredited Native Plant Landscapers.

Section 5. Workforce and Accreditation Oversight [Optional]

A. Vendors shall collaborate with workforce development programs to provide necessary training and job placement support. Upon contract award, Vendors shall submit an initial workforce report to the [Public Entity] detailing the number of Disadvantaged Workers employed, their certification status, and the nature of the workforce development collaboration. For contracts exceeding [6 months], Vendors shall submit semiannual progress reports to the [Public Entity]. A final report shall be submitted upon contract completion for all contracts.

B. The [Public Entity] shall create and maintain a publicly accessible database of Accredited Native Plant Landscapers and workforce inclusion statistics to facilitate compliance among municipal departments and Vendors.

C. The [Public Entity] shall monitor and report annually on overall trends in workforce inclusion, tracking the percentage of Disadvantaged Workers and Accredited Native Plant Landscapers employed by Vendors over time. These reports shall assess the effectiveness of the legislation in expanding the qualified workforce and may include recommendations for program improvements to enhance impact.

Section 6. California State Licensing [Optional]

A. The C-27 Landscaping Contractor License, issued by the California Contractors State License Board (CSLB), authorizes individuals to construct, maintain, repair, install, or subcontract landscape systems and facilities in both public and private areas, subject to the following minimum qualifications:

1. Applicants must be at least 18 years of age.
2. Applicants must possess a valid Social Security Number or Individual Taxpayer Identification Number.

3. Applicants must have at least four years of verifiable journey-level experience in landscaping within the preceding ten years.

4. Applicants must successfully pass both the Law and Business Examination and the C-27 Landscaping Examination.

5. Vendors must maintain a \$25,000 contractor's bond and provide proof of worker's compensation insurance if they employ additional workers.

B. Public entities may impose additional certification requirements for landscape maintenance professionals, as exemplified by the City of Thousand Oaks, which mandates that individuals employed as Landscape Maintenance Worker II hold certifications such as an Arborist Certification, Cross Connection Control Certification, or Pesticide Advisor Certification for certain positions, as well as:

1. A high school diploma or equivalent (up to twelfth grade completion).
2. A minimum of two years of professional experience in landscaping maintenance.
3. A valid Class B California Driver's License with a tanker endorsement.

Section 7. Public Enforcement

A. Any individual or organization residing within the [jurisdiction], may bring civil action to enjoin violations of or compel compliance with the provisions outlined within this act.

1. A notice of intent to initiate a private right of action must be submitted to the offending Public Entity. Upon receipt of notice, a period of [30 days] shall be provided to allow the Public Entity an opportunity to correct the violation prior to the commencement of legal action.

2. The court may award to a party, other than the [jurisdiction] or any of its commissions boards, departments or agencies, who prevails in any civil action authorized by this act, the party's costs of litigation, including reasonable attorneys' fees.

Section 8. Legal and Regulatory Framework

A. This act complies and contributes to the drought resilience goals sought under the Inflation Reduction Act (H.R. 5376, 2022).

B. This act complies and contributes to state-mandated carbon neutrality goals by 2045 under AB 1279, formally referred to as the California Climate Crisis Act.

C. This act supports the climate resilience and greenhouse gas reduction goals outlined in the Climate Action Framework of the Los Angeles Regional Collaborative for Climate Action and Sustainability (LARC). Funded by SB 732 (Chapter 13, Statutes of 2008), LARC provides climate science resources to assist local governments and encourage regional collaboration.

D. This act complies and contributes to the green economy and green job creation goals under Los Angeles' Green New Deal, referred to as an expansion and extension of the 2015 Sustainable City pLAn.

E. This act complies and contributes to native biodiversity goals under CF 15-0499, formally referenced to as the Biodiversity Motion. Hereby, oversight is conducted under the City of Los Angeles Department of Public Works, LA Sanitation and Environment (LASAN) Biodiversity Program.

F. Existing programs in the State of California and the County or City of Los Angeles that support sustainable landscaping and climate-resilient land management include, but are not limited to:

1. Measure A Parkland Acquisition Grant Program
2. Wildfire Prevention Grant Program
3. Desert Conservation Program
4. Climate Smart Land Management Program
5. Transformative Climate Communities Program